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Administration of justice at the United Nations

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Administration of justice at the United Nations

Report of the Secretary-General

Summary

The General Assembly, by its resolutions 61/261, 62/228 and 63/253, decided to establish an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice for the United Nations. This system commenced operation on 1 July 2009.

The General Assembly has noted with appreciation the achievements of the system since its inception, has acknowledged its evolving nature and has continued to monitor the system to ensure that it achieves its mandate.

In the present report, the Secretary-General provides information on the functioning of the system of administration of justice for the calendar year 2014 and offers some observations with respect thereto.

In its resolution 69/203, the General Assembly requested the Secretary-General to report to it on a number of matters at its seventieth session. The present report includes a consolidated response to that request.

* A/70/150.

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I. Overview

1. The current system of administration of justice at the United Nations was established by the General Assembly in its resolutions 61/261, 62/228 and 63/253 and came into operation on 1 July 2009. The General Assembly decided that the system would be independent, transparent, professionalized, adequately resourced and decentralized and would operate in a manner consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike.

2. The first step in the formal system is management evaluation. Except in cases involving the imposition of a disciplinary or non-disciplinary measure following a disciplinary process, or decisions taken pursuant to advice obtained from technical bodies, a staff member who wishes to contest an administrative decision must request a management evaluation of that decision. This step is intended to give management an early opportunity to review a contested decision, to determine whether mistakes have been made or irregularities have occurred and to rectify those mistakes or irregularities before a case proceeds to litigation.

3. Where an administrative decision is upheld at the management evaluation stage or a request for management evaluation is deemed not receivable or moot, the staff member has the statutory right to file an application with the United Nations Dispute Tribunal. Either the staff member or the Secretary-General may appeal against a judgement of the Dispute Tribunal to the United Nations Appeals Tribunal on any of the grounds enumerated in the statute of the Appeals Tribunal. Decisions of the Appeals Tribunal are final and binding on the parties.

4. Annex I to the present report depicts the process by which a contested administrative decision is resolved in the formal system of administration of justice.

5. The present report reviews the functioning of the formal system in 2014 and provides statistics and observations with respect thereto. It also responds to specific requests of the General Assembly in its resolution 69/203 for consideration at its seventieth session.

II. Review of the formal system of justice

A. Observations on the operation of the formal system of administration of justice

6. The following observations are offered with regard to the operation of the formal system of administration of justice in 2014.

7. A discernible link between decisions that affected large numbers of staff members and recourse to the formal internal justice system, first identified in the previous report of the Secretary-General (A/69/227), was observed again in 2014. Those decisions related to a rostering exercise with approximately 35,000 written assessments for Field Service staff, which resulted in more than 600 requests for management evaluation and one application to the Dispute Tribunal, and a periodic

salary survey that led to a temporary remuneration freeze for some staff, resulting in more than 100 applications to the Dispute Tribunal.[1]

8. There was a numerical increase in recourse to the Management Evaluation Unit, the Dispute Tribunal and the Appeals Tribunal. This increase in 2014 was due to the cases referred to above and will manifest itself in 2015 in cases before the Appeals Tribunal.

9. There was an increase in the number of staff members seeking legal assistance from the Office of Staff Legal Assistance, which was due primarily to the cases referred to in paragraph 7 above.

10. Apart from the cases referred to in paragraph 7 above, the number of cases received in the formal system each year has stabilized.

11. The majority of cases received related to benefits and entitlements, appointment-related matters and separation from service.

12. A slight majority of staff members filing cases with the Dispute Tribunal and the Appeals Tribunal in 2014 were self-represented.

13. More than 200 cases pending in the formal system were resolved in 2014 without the need for a final adjudication on the merits. This is a significant number and reflects an embrace of the encouragement of the General Assembly to try to resolve disputes informally to the greatest extent possible. The individuals, offices and entities involved in the resolution of those cases included staff members and managers, the Management Evaluation Unit and management evaluation offices in the separately administered funds and programmes, the offices that represented the Secretary-General as respondent, those that represented staff members, including the Office of Staff Legal Assistance, the Dispute Tribunal, the Office of the United Nations Ombudsman and Mediation Services and offices that participated in successful mediation.

14. As at 30 April 2015, some 75 per cent of the management evaluation requests received in 2014 had not been pursued beyond the management evaluation stage, and 135 cases had been settled at the management evaluation stage in the Secretariat and separately administered funds and programmes. At the Dispute Tribunal stage, 31 cases had been settled between the parties following case management by the Dispute Tribunal. A further 18 cases had been withdrawn by applicants following case management and six more cases had been successfully mediated after case management. Another 14 cases had been settled between the parties without case management, one of which had been resolved by formal mediation. One case had been settled between the parties at the Appeals Tribunal stage.

15. The Office of Staff Legal Assistance acted on behalf of staff members in the settlement of 110 cases in the formal and informal systems in 2014. Of those, around 50 were settled at the management evaluation stage.

[1] Most of the applicants in the periodic salary survey cases filed applications directly with the United Nations Dispute Tribunal without seeking management evaluation.

B. Management Evaluation Unit

1. Mandate

16. The Management Evaluation Unit in the Office of the Under-Secretary-General for Management of the Department of Management is the first step in the formal system of administration of justice. The core functions of the Unit are to: (a) carry out timely management evaluations of non-disciplinary administrative decisions contested by staff members relating to their terms and conditions of appointment; (b) assist the Under-Secretary-General in providing timely and reasoned responses to management evaluation requests; and (c) assist the Under-Secretary-General in realizing managerial accountability. The management evaluation process provides the Administration with the opportunity to prevent unnecessary litigation and to collect lessons learned for decision makers in order to reduce costs through better and more consistent decision-making.

17. In cases where the Management Evaluation Unit has recommended that a contested administrative decision be upheld, a written reasoned response setting out the basis for the management evaluation is sent to the staff member concerned. That reasoned response is an important means of displaying fairness and establishing the credibility of the process. The Unit considers that, in many cases, staff members who have sought recourse to the formal system owing to a perceived lack of transparency or respect for them in the administrative decision-making process are more likely to forgo further recourse to the Dispute Tribunal following the management evaluation, as they perceive the process to be objective and fair.

18. From its inception on 1 July 2009 to 31 December 2014, the Unit received a total of 4,874 management evaluation requests: 184 in 2009; 427 in 2010; 952 in 2011; 837 in 2012; 933 in 2013; and 1,541 in 2014. As at 31 December 2014, the Unit had closed 4,726 requests in total and had recommended compensation with respect to 79 management evaluation requests in total (1.7 per cent of requests closed by 31 December 2014).

19. Tables 1 and 2 show the disposition of management evaluation requests filed in 2014 and closed by 31 December 2014.

Table 1
Disposition of management evaluation requests filed in 2014

Requests filed in 2014	*Decisions upheld*	*Decisions reversed*	*Requests moot*[a]	*Requests formally settled*	*Requests not receivable*	*Requests withdrawn*[a]	*Requests misrouted*	*Requests pending*	*Decisions appealed and decided by the Dispute Tribunal*
1 541	417	84	89	5	768	31	8	139	91

[a] Includes mutually agreed resolutions.

Table 2
Outcome of cases in the United Nations Dispute Tribunal in 2014[a]

Upheld	*Partially upheld*	*Overturned*	*Pending*
57	–	24	43

[a] Encompasses cases decided by the Dispute Tribunal on the merits.

20. The increase in the number of requests in 2014 was due primarily to: (a) requests submitted by 637 staff members relating to the outcome of one large Field Service recruitment exercise involving 28 generic job openings and more than 30,000 applicants; and (b) requests from some 260 staff members of the International Tribunal for the Former Yugoslavia contesting the decision not to grant a permanent appointment.

21. With regard to the 637 Field Service cases, 634 of the requests were found to be not receivable. In two cases the administrative decision was upheld, and one request was deemed moot.

22. Of the 1,541 requests received in 2014, the Unit had closed 1,402 by the end of 2014. Of the requests closed, 125 (9 per cent) were resolved through efforts by the Unit itself, by the decision makers themselves or with the involvement of the Office of Staff Legal Assistance or the Office of the Ombudsman and Mediation Services. In 55 per cent of closed cases, the contested decision was deemed not receivable.

23. Of the 1,541 requests filed in 2014, 393 (about 25 per cent) involved decisions that were challenged by staff members before the Dispute Tribunal by 30 April 2015, which is considered to be a success in terms of resolving disputes at an early stage. It should be noted that only 1 of the 637 staff members mentioned above went on to file an application with the Dispute Tribunal. It should also be noted that, with regard to the 393 decisions challenged at the Dispute Tribunal, over half arose from the group of 260 staff members of the International Tribunal for the Former Yugoslavia, referenced in paragraph 20 above, who contested the decision not to grant a permanent appointment to them.

24. In 2014, the Tribunal disposed of 91 applications in cases previously submitted for management evaluation. In those cases, the disposition by the Tribunal was consistent in full with the position taken in the management evaluation in 57 cases (67 per cent).

25. Of the 125 cases that were received and resolved in 2014 within the Unit, 3 included the payment of compensation ranging from $2,007.92 to $22,165.50, for a total of $29,173.42, thereby avoiding further litigation and eliminating any further exposure to potential awards of damages. The remaining cases were resolved either by paying entitlements that were otherwise due to the staff member or by means of a non-monetary remedy. In 2014, compensation was also paid to six staff members who had filed requests in 2013 and two staff members who had filed requests in 2012. Information on compensation paid in accordance with recommendations by the Management Evaluation Unit is set out in annex VI to the present report.

2. Caseload, statutory time limits and resources

26. The caseload of the Management Evaluation Unit increased from 1 July 2009 to 31 December 2011, reaching 952 management evaluation requests in 2011; however, this included approximately 310 similar requests. In 2012, the number of requests levelled off at 837, but increased to 933 in 2013. In 2014, the Management Evaluation Unit received 1,541 requests. From 1 January to 30 April 2015, 237 requests were filed. The Unit also observed a discernible link between decisions affecting groups of staff and recourse to the Unit.

27. In the light of its increased caseload, the Unit continued to face challenges in meeting the statutory deadlines for management evaluation (30 calendar days for Headquarters staff and 45 calendar days for staff at offices away from Headquarters). This increased caseload was exacerbated by fluctuations in staffing in a small Unit. In addition, the workload of the Unit in reviewing requests was affected by its approach to dealing actively with requests and reaching out to staff members and managers and by its task of analysing potential lessons learned and formulating those lessons into guides and presentations to managers. Moreover, the Unit continued to make every effort to resolve cases before staff members resorted to litigation; such resolution involves extensive communication with the staff member and the decision maker(s) and may exceed the statutory time frame. Furthermore, the Unit needed to track data on management evaluation requests through its database (MEUtrix) and through manual cross reference with the published decisions of the Tribunals, which involved time-consuming data entry and database maintenance.

C. Management evaluation in the funds and programmes

28. Information concerning the numbers and disposition of requests for management evaluation in the funds and programmes in 2014 is set out in section II.H below.

D. United Nations Dispute Tribunal

1. Composition of the United Nations Dispute Tribunal

29. During the reporting period, the composition of the Dispute Tribunal was as follows:

(a) Judge Vinod Boolell (Mauritius), full-time judge based in Nairobi;

(b) Judge Memooda Ebrahim-Carstens (Botswana), full-time judge based in New York;

(c) Judge Thomas Laker (Germany), full-time judge based in Geneva;

(d) Judge Goolam Hoosen Kader Meeran (United Kingdom of Great Britain and Northern Ireland), half-time judge;

(e) Judge Coral Shaw (New Zealand), half-time judge;

(f) Judge Jean-François Cousin[2] (France), ad litem judge based in Geneva;

(g) Judge Nkemdilim Amelia Izuako (Nigeria), ad litem judge based in Nairobi;

(h) Judge Alessandra Greceanu (Romania), ad litem judge based in New York.

30. In its resolution 69/203, the General Assembly decided to extend the three ad litem judge positions for one year, from 1 January to 31 December 2015.

31. During the reporting period, the judges of the Dispute Tribunal held one plenary meeting, in Geneva from 28 April to 5 May 2014. Judge Ebrahim-Carstens

[2] Judge Cousin resigned effective 1 April 2014. In its decision 69/414, the General Assembly appointed Judge Rowan Downing (Australia) as an ad litem judge of the Dispute Tribunal for a term of office beginning on 1 January 2015 and ending on 31 December 2015.

was elected President of the Dispute Tribunal for one year, from 1 July 2014 to 30 June 2015.

32. As in previous years, in 2014 the judges of the Dispute Tribunal continued to convene round-table meetings with stakeholders and legal practitioners.

2. Judicial activities

(a) Caseload

33. As at 1 January 2014, 226 cases were pending. In 2014, the Dispute Tribunal received 411 new cases and disposed of 320 cases.[3] As at 31 December 2014, 317 cases were pending.

34. Table 3 shows the number of cases received, disposed of and pending for the period from 2009 to 2014. Table 4 shows the breakdown by Registry.

Table 3
United Nations Dispute Tribunal cases received, disposed of and pending: 2009-2014

Year	*Cases received*	*Cases disposed of*	*Cases pending (end of year)*
2009	281	98	183
2010	307	236	254
2011	281	271	264
2012	258	260	262
2013	289	325	226
2014	411	320	317
Total	**1 827**	**1 510**	–

Table 4
United Nations Dispute Tribunal cases received, disposed of and pending, by Registry

	Cases received			*Cases disposed of*			*Cases pending (end of year)*		
Year	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*
2009	108	74	99	57	19	22	51	55	77
2010	120	80	107	101	59	76	70	76	108
2011	95	89	97	119	59	93	46	106	112
2012	94	78	86	106	76	78	34	108	120
2013	75	96	118	77	103	145	32	101	93
2014	209	115	87	67	128	125	174	88	55
Total	**701**	**532**	**594**	**527**	**444**	**539**	–	–	–

[3] The 411 new cases included applications for suspension of action (57), for interpretation of judgement (2), for execution of judgement (1) and for revision of judgement (1).

(b) Number of judgements, orders and court sessions

35. Table 5 shows the total number of judgements, orders and court sessions for the period from 2009 to 2014. Table 6 shows the breakdown by Registry.

Table 5
United Nations Dispute Tribunal judgements, orders and court sessions: 2009-2014

Year	*Judgements*	*Orders*	*Court sessions*[a]
2009	97	255	172
2010	217	679	261
2011	219	672	249
2012	208	626	187
2013	181	775	218
2014	148	827	258
Total	**1 070**	**3 834**	**1 345**

[a] A "court session" is a statistical unit used to ensure consistency among the three Tribunal Registries in reporting on hearings. A hearing may consist of several daily court sessions (morning, afternoon, evening) and may be held over several days.

Table 6
United Nations Dispute Tribunal judgements, orders and court sessions, by Registry

	Judgements			*Orders*			*Court sessions*		
Year	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*
2009	44	20	33	39	26	190	21	33	118
2010	83	52	82	93	248	338	54	116	91
2011	86	52	81	224	144	304	54	117	78
2012	79	65	64	172	183	271	24	88	75
2013	41	67	73	201	219	355	32	114	72
2014	37	67	44	197	275	355	31	119	108
Total	**370**	**323**	**377**	**926**	**1 095**	**1 813**	**216**	**587**	**542**

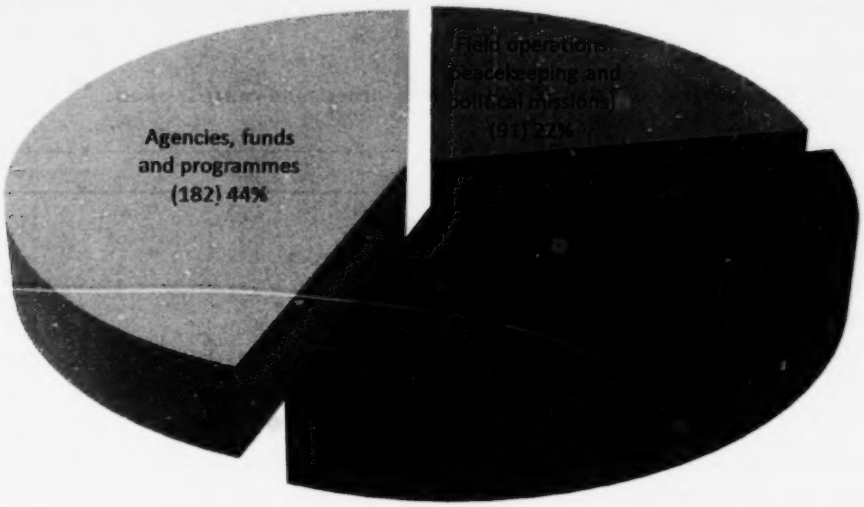
(c) Source of cases

36. The categories of applicants who filed cases in 2014 were as follows: Director (20); Professional (123); General Service (169); Field Service (21); Security (6); Trades and Crafts (9); National Staff (45); and Others (18).

37. Of the 411 new cases, 248 (60 per cent) were filed by males and 163 (40 per cent) by females.

38. The 411 cases received during the reporting period were filed by staff members of a number of United Nations entities, as illustrated in figure I below.

Figure I
Breakdown of cases received in 2014 by entity of the staff member[a]



[a] There were 21,248 staff in field operations, 20,178 staff in the Secretariat excluding field operations, and approximately 31,700 staff in the relevant funds and programmes as at 30 June 2014 (see A/69/292).

(d) Subject matter of cases

39. Cases received during the reporting period fell into six main categories: (a) benefits and entitlements: 154 cases; (b) appointment-related matters (non-selection, non-promotion and other appointment-related matters): 96 cases; (c) separation from service (non-renewal and other separation matters): 54 cases; (d) disciplinary matters: 14 cases; [4] (e) classification: 2 cases; and (f) other: 91 cases. This is illustrated in figure II.

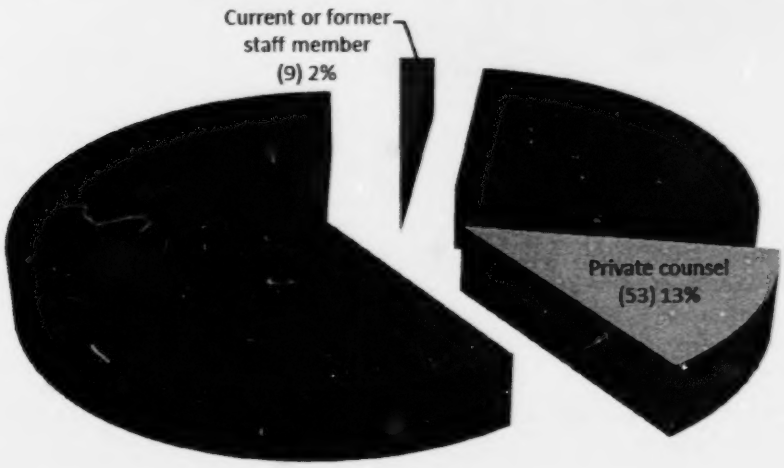
[4] Includes disciplinary measures such as separation from service and related issues.

Figure II
Cases received in 2014 by subject matter

(e) Representation of staff members

40. The Office of Staff Legal Assistance provided representation in 104 of the 411 new cases received in 2014. In 53 cases, staff members were represented by private counsel; in 9 cases, staff members were represented by volunteers who were either current or former staff members of the Organization; and in 245 cases, staff members represented themselves. This is illustrated in figure III.

Figure III
Representation of staff members in 2014



(f) Informal resolution

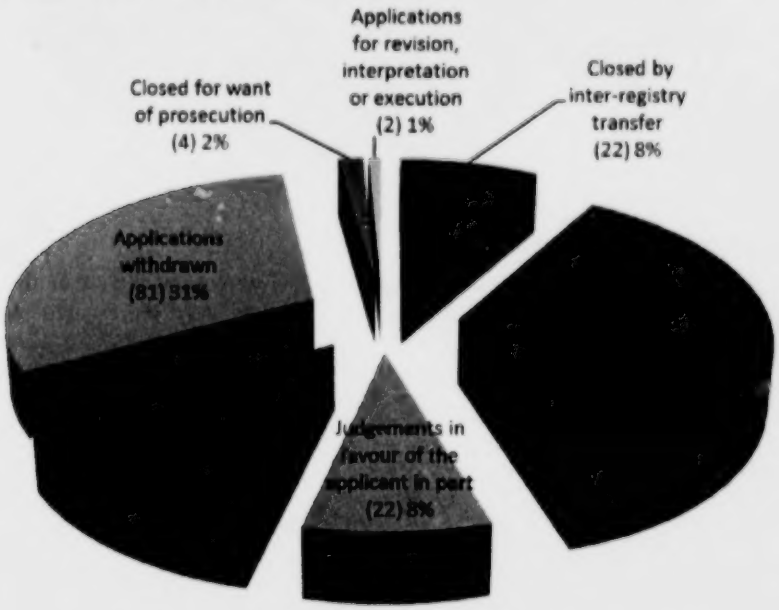
41. During the reporting period, the Dispute Tribunal identified through case management 37 cases as being suitable for informal resolution. Of those, 31 were

settled between the parties with case management and 6 were successfully mediated. A further 18 cases were withdrawn by applicants following case management. Another 14 cases were settled between the parties without case management, 1 of which was resolved by formal mediation.

(g) Outcomes

42. The outcomes of the 320 cases disposed of by the Dispute Tribunal in 2014 are illustrated in figure IV.

Figure IV
Outcome of cases disposed of in 2014


Applications for revision, interpretation or execution (2) 1%
Closed for want of prosecution (4) 2%
Closed by inter-registry transfer (22) 8%
Applications withdrawn (81) 31%
Judgements in favour of the applicant in part (22) 8%

43. In 2014, 57 cases were decided in favour of the applicant either in full or in part. In 22 cases, only financial compensation was ordered. In 26 cases, both financial compensation and specific performance were ordered. Specific performance only was ordered in six cases, and in three cases no compensation was ordered. Suspension of action was requested in 57 cases and granted in 12 cases; 14 requests were rejected on receivability and 25 on the merits, 5 were withdrawn and 1 was transferred.

(h) Referral for accountability

44. In 2014, the Dispute Tribunal made five referrals for accountability under article 10.8 of its statute.

(i) Other referral

45. The Dispute Tribunal also made one referral to the Secretary-General (and to the President of the General Assembly if the Secretary-General deemed it necessary) pursuant to article 7 of its statute and article 36 of its rules of procedure.

3. Issues relating to the Dispute Tribunal

(a) Ad litem judges

46. As set out in paragraph 33, 411 cases were filed with the Dispute Tribunal in 2014, an increase of 42 per cent over 2013. The judges were able to dispose of 320 cases in 2014, leaving 317 cases pending at year-end. This represented approximately one year of work for the Tribunal.

47. Any reduction in the judicial capacity of the Dispute Tribunal would result in a significant increase in the length of time required to adjudicate cases. It is recalled that the length of time it took to dispose of cases was one of the most strongly criticized shortcomings of the former system of administration of justice. It is therefore essential that the three ad litem judge positions and those of the staff that support them be extended until the end of 2016.

48. There are other reasons why it is essential to have two full-time judges at each of the seats of the Dispute Tribunal, as elaborated in previous reports.[5]

49. Accordingly, the Secretary-General recommends the extension of the three ad litem judge positions, including the extension of the sitting ad litem judges and the staffing complement that support them, for one year, from 1 January to 31 December 2016. It is hoped that the interim independent assessment of the system of administration of justice will help to inform further consideration of the resource requirements of the Dispute Tribunal.

(b) Courtrooms

50. In paragraph 29 of its resolution 69/203, the General Assembly reaffirmed the need for the Dispute Tribunal and the Appeals Tribunal to have at their disposal functional courtrooms equipped with adequate facilities.

51. On 24 November 2014, a new courtroom was inaugurated in New York. Nairobi, Geneva and New York now all have professional and functional courtrooms.

E. United Nations Appeals Tribunal

1. Composition of the United Nations Appeals Tribunal

52. During the reporting period, the composition of the Appeals Tribunal was as follows:

(a) Judge Mary Faherty (Ireland);

(b) Judge Sophia Adinyira (Ghana);

(c) Judge Inés Weinberg de Roca (Argentina);

(d) Judge Luis María Simón (Uruguay);

[5] See A/69/227, para. 62; A/67/265 and Corr.1; and A/66/275 and Corr.1.

(e) Judge Richard Lussick (Samoa);

(f) Judge Rosalyn M. Chapman (United States of America);

(g) Judge Deborah Thomas-Felix (Trinidad and Tobago).[6]

53. In June 2014, the Appeals Tribunal elected its Bureau for the term of 1 July 2014 to 30 June 2015, with Judge Lussick serving as President, Judge Chapman as First Vice-President and Judge Weinberg de Roca as Second Vice-President.

2. Judicial activities

(a) Sessions

54. The Appeals Tribunal held three sessions in 2014: from 24 March to 2 April, from 16 to 27 June and from 6 to 17 October. At those sessions, the Appeals Tribunal heard and passed judgement on appeals filed against judgements rendered by the Dispute Tribunal (see art. 2.1 of the statute of the Appeals Tribunal); on appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund (see art. 2.9 of the statute of the Appeals Tribunal); and on appeals against judgements and decisions of entities that concluded special agreements with the Secretary-General of the United Nations (see art. 2.10 of the statute of the Appeals Tribunal).

(b) Caseload

55. During the reporting period, the Appeals Tribunal received 137 new cases and disposed of 146 cases.[7] As at 31 December 2014, the Tribunal had 101 cases pending. Table 7 shows the number of cases received, disposed of and pending for 2014 and for previous years.

Table 7
United Nations Appeals Tribunal cases received, disposed of and pending: 2009-2014

Year	*Cases received*	*Cases disposed of*	*Pending cases*
2009	19	–[a]	19
2010	167	95	91
2011	96	104	83
2012	142	103	122
2013	125	137	110
2014	137	146	101
Total	**686**	**585**	–

[a] The Appeals Tribunal did not hold a session in 2009; it held its first session early in 2010.

[6] In its decision 69/413, the General Assembly appointed Judge Thomas-Felix as a judge of the Tribunal for a term of office beginning on 10 December 2014 and ending on 30 June 2019 to fill the vacancy occurring on the resignation of Judge Jean Courtial.

[7] The Appeals Tribunal disposed of 116 cases by judgement, including cases with more than one appellant, and closed 30 cases, including cases with more than one appellant, by judicial order or by decision of the Registrar.

56. The ratio of cases filed by staff members compared to those filed on behalf of the Secretary-General changed from 2013 to 2014. In 2013, half of the cases were filed by staff members and half were filed on behalf of the Secretary-General; in 2014, 65 per cent of the cases were filed by staff members and 35 per cent were filed on behalf of the Secretary-General.

57. The Appeals Tribunal also received 84 interlocutory motions in 2014. These included motions to extend time limits, to adduce new evidence, to file additional pleadings, to strike, for interim relief, for confidentiality, for oral hearings, for suspension of decision and for withdrawal of some claims.

58. Table 8 shows the number of interlocutory motions received in 2014 and in previous years.

Table 8
Interlocutory motions received by the Appeals Tribunal: 2010-2014

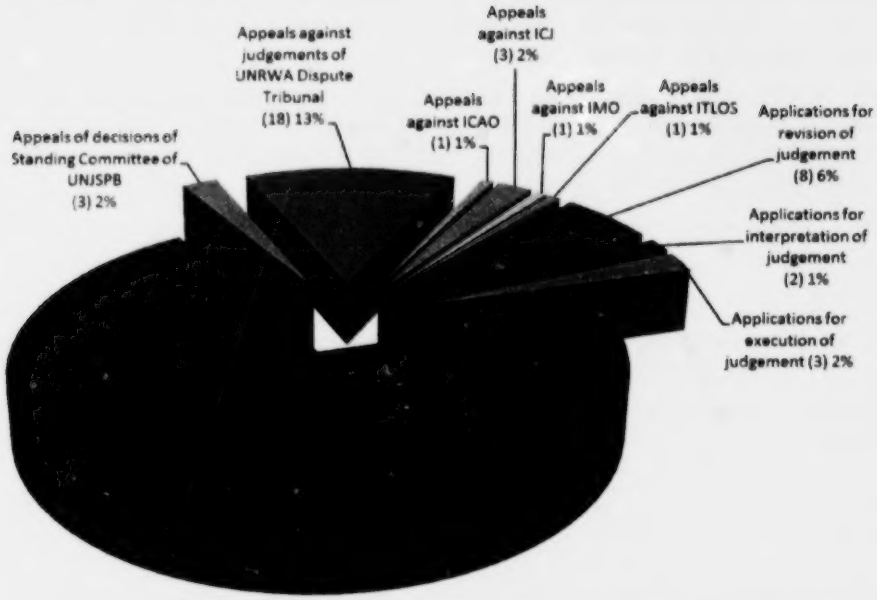
Year	*Interlocutory motions received*
2010	26
2011	38
2012	45
2013	39
2014	84

(c) Source of cases received

59. The 137 new cases filed in 2014 included 97 appeals against judgements of the Dispute Tribunal (58 filed by staff members and 39 filed on behalf of the Secretary-General); 3 appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; 18 appeals against judgements rendered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) Dispute Tribunal (15 brought by staff members and 3 brought on behalf of the Commissioner-General); 1 appeal against a decision of the Secretary-General of the International Civil Aviation Organization; 3 appeals against decisions of the Registrar of the International Court of Justice; 1 appeal against the International Maritime Organization; and 1 appeal against a decision of the Registrar of the International Tribunal for the Law of the Sea. They also included eight applications for revision of Appeals Tribunal judgements (including two cases relating to UNRWA), two applications for interpretation of Appeals Tribunal judgements (including one case relating to UNRWA) and three applications for execution of Appeals Tribunal judgements, all filed by staff members.

60. Figure V provides a breakdown of the number of cases received between 1 January and 31 December 2014 by entity.

Figure V
Cases received in 2014 by entity


Appeals against judgements of UNRWA Dispute Tribunal (18) 13%
Appeals against ICJ (3) 2%
Appeals against ICAO (1) 1%
Appeals against IMO (1) 1%
Appeals against ITLOS (1) 1%
Applications for revision of judgement (8) 6%
Applications for interpretation of judgement (2) 1%
Applications for execution of judgement (3) 2%
Appeals of decisions of Standing Committee of UNJSPB (3) 2%

Abbreviations: ICAO, International Civil Aviation Organization; ICJ, International Court of Justice; IMO, International Maritime Organization; ITLOS, International Tribunal for the Law of the Sea; UNJSPB, United Nations Joint Staff Pension Board.

61. Table 9 reflects a breakdown of judgements, orders and hearings for the Appeals Tribunal for the period from 2009 to 2014.

Table 9
United Nations Appeals Tribunal judgements, orders and hearings: 2009-2014

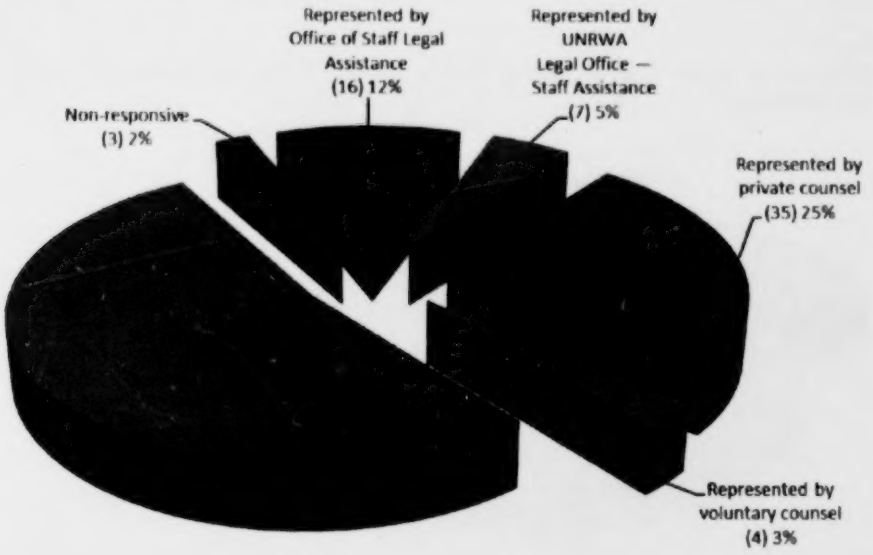
Year	*Judgements*	*Orders*	*Hearings*
2009	–	–	–
2010	102	30	2
2011	88	44	5
2012	91	45	8
2013	115	47	5
2014	100	42	1
Total	**496**	**208**	**21**

(d) Representation of staff members in cases received

62. With regard to the 137 cases received during the reporting period, 16 staff members were represented by the Office of Staff Legal Assistance, 7 staff members were represented by the UNRWA Legal Office — Staff Assistance, 35 were represented by private counsel, 4 were represented by voluntary counsel, 72 were

self-represented and 3 did not respond to appeals filed by the Secretary-General. This is illustrated in figure VI.

Figure VI
Representation of staff members


Represented by Office of Staff Legal Assistance (16) 12%
Represented by UNRWA Legal Office – Staff Assistance (7) 5%
Non-responsive (3) 2%
Represented by private counsel (35) 25%
Represented by voluntary counsel (4) 3%

(e) Outcomes of cases disposed of

63. Of the 86 cases relating to Dispute Tribunal judgements, 40 were filed by staff members and 46 were filed on behalf of the Secretary-General. Of the 40 appeals filed by staff members, 30 (75 per cent) were rejected, and 8 (20 per cent) were granted in full or in part and 2 (5 per cent) were closed on withdrawal. Of the 46 appeals filed on behalf of the Secretary-General, 13 (28 per cent) were rejected and 33 (72 per cent) were granted in full or in part. In addition, the Appeals Tribunal considered five cross-appeals by staff members and one cross-appeal by the Secretary-General, which it disposed of in the respective judgements.

64. The Appeals Tribunal issued two judgements on appeals against decisions taken by the Standing Committee, acting on behalf of the United Nations Joint Staff Pension Board. Both appeals were dismissed. The Appeals Tribunal rendered 13 judgements, disposing of 10 appeals filed by UNRWA staff members and 4 appeals filed by the UNRWA Commissioner-General. Of the 10 appeals filed by UNRWA staff members, 9 (90 per cent) were dismissed and 1 (10 per cent) was granted in part. The four appeals filed by the Commissioner-General were granted in full or in part. The Appeals Tribunal rendered two judgements disposing of appeals filed by staff members of the International Civil Aviation Organization. One appeal (50 per cent) was granted in part and one (50 per cent) was dismissed on the merits.

65. The Appeals Tribunal rendered seven judgements disposing of 10 applications by staff members for interpretation, correction, revision or execution of judgements,

including 2 relating to the United Nations Joint Staff Pension Fund. One application was granted and nine were denied.

66. Figures VII and VIII provide breakdowns of the outcome of appeals against Dispute Tribunal judgements by staff members and on behalf of the Secretary-General.

Figure VII
Outcome of appeals against United Nations Dispute Tribunal judgements filed by staff members

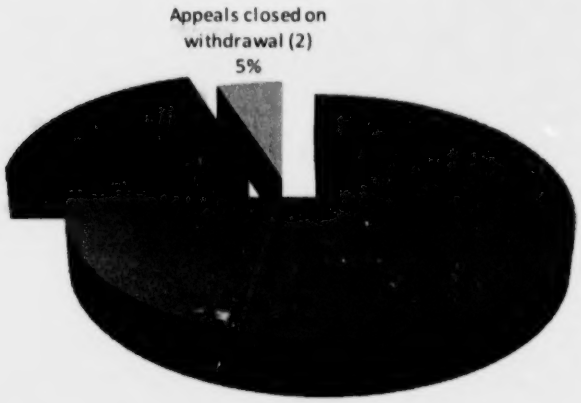
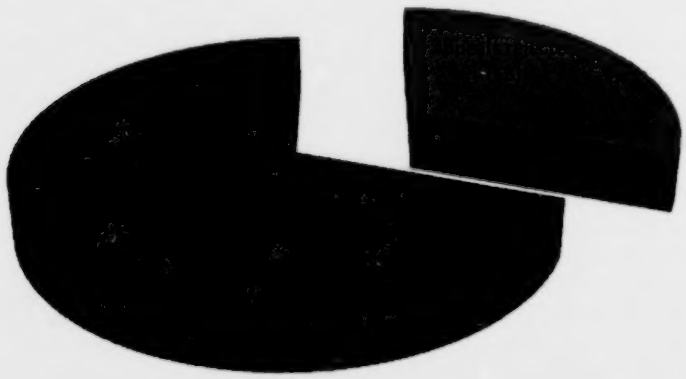


Figure VIII
Outcome of appeals against United Nations Dispute Tribunal judgements filed on behalf of the Secretary-General



67. In 11 cases, the Appeals Tribunal vacated both the award of compensation and the specific performance ordered by the Dispute Tribunal. In 16 cases, the Appeals Tribunal vacated or decreased the compensation awarded by the Dispute Tribunal and in 5 cases it vacated the specific performance order of the Dispute Tribunal. In one case, the Appeals Tribunal vacated the specific performance order and awarded compensation where none was awarded by the Dispute Tribunal. In two cases, the

Appeals Tribunal ordered specific performance where none was ordered by the Dispute Tribunal, and in one case it awarded compensation where none was awarded by the Dispute Tribunal. The Appeals Tribunal remanded five cases to the Dispute Tribunal.

68. In three judgements, the Appeals Tribunal vacated an order of costs (one against the staff member and two against the Secretary-General), and in two judgements it affirmed an order of costs (one against the staff member and one against the Secretary-General). In two judgements, the Appeals Tribunal rejected appeals against decisions of the Standing Committee of the United Nations Joint Staff Pension Board. In two cases, the Appeals Tribunal vacated the specific performance order of the UNRWA Dispute Tribunal and decreased or vacated the award of compensation. In one case, the Appeals Tribunal vacated the financial compensation awarded and in one case it vacated the specific performance order of the UNRWA Dispute Tribunal. In one case, the Appeals Tribunal both ordered specific performance and awarded compensation where none was ordered or awarded by the UNRWA Dispute Tribunal.

(f) Referral for accountability and other referrals

69. In four judgements, the Appeals Tribunal found that the Dispute Tribunal erred in making a referral for accountability to the Secretary-General under article 10.8 of the statute of the Dispute Tribunal. In three judgements, the Appeals Tribunal affirmed a referral for accountability ordered by the Dispute Tribunal. The Appeals Tribunal vacated the other referral referred to in paragraph 45 above.

3. Issues relating to the Appeals Tribunal

70. In document A/69/227, the Secretary-General recommended that the Registry of the Appeals Tribunal be strengthened by the addition of one Legal Officer at the P-3 level in order to provide needed support to the judges with regard to the ongoing caseload, including the significant increase in the number of interlocutory motions.

71. It is recalled that both the Internal Justice Council, in its report of 2014 (A/69/205), and the judges of the Appeals Tribunal (see ibid., annex II) raised concerns with regard to the ability of the Appeals Tribunal to deal with urgent matters between sessions.

72. As set out in table 8, the number of interlocutory motions filed before the Appeals Tribunal went up from 39 in 2013 to 84 in 2014, an increase of 115 per cent. Such motions require early attention, including between sessions, in order to provide the parties with timely judicial direction and avoid delay. Table 7 illustrates the increase in the number of appeals filed in 2014. The Secretary-General also notes that, with the election of Judge Thomas-Felix, the Appeals Tribunal is back at full strength.

73. It is hoped that the above-mentioned issues will be addressed as part of the interim independent assessment to help to inform further consideration of the resource requirements of the Appeals Tribunal.

F. Office of Staff Legal Assistance

1. Framework

74. The Office of Staff Legal Assistance continued to provide legal advice and representation to United Nations staff worldwide, at all levels, in a wide range of employment matters, from non-appointment to termination, claims of discrimination, harassment and abuse of authority, pension benefits, disciplinary and misconduct cases, and other matters of rights and entitlements under the Staff Rules. The Office also provided advice and representation to former United Nations employees and their beneficiaries regarding rights that arose from their employment, including claims for pension and post-separation entitlements.

2. Outreach and training activities

75. In 2014, the Office of Staff Legal Assistance visited the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the African Union-United Nations Hybrid Operation in Darfur, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the United Nations Operation in Côte d'Ivoire, the United Nations Stabilization Mission in Haiti, the United Nations Global Service Centre, the United Nations Interim Force in Lebanon, the United Nations Interim Administration Mission in Kosovo, the United Nations Assistance Mission for Iraq and United Nations staff in Amman facilitated by the Resident Coordinator's Office. Legal officers gave presentations to staff members, United Nations staff associations and managers on the system of administration of justice at the United Nations, including the role of the Office of Staff Legal Assistance therein. The Office participated in regular outreach and training activities for United Nations staff members in the five duty stations with an Office presence, in addition to outreach and training activities organized by staff associations at those duty stations.

76. The activities provided invaluable opportunities to inform staff, staff associations and managers about the internal justice system, including the role of the Office of Staff Legal Assistance. A recurring observation from the activities is that many staff members, especially those in the deep field, have limited knowledge of the internal justice system, including the resources available to facilitate informal dispute resolution and how to access the Office, the Management Evaluation Unit and the Registries of the two Tribunals.

3. Case statistics

77. The Office of Staff Legal Assistance provides a wide range of legal assistance to staff, including summary legal advice; advice and representation during informal dispute resolution and formal mediation; assistance with the management evaluation review and during the disciplinary process; and legal representation of staff before the Dispute Tribunal, the Appeals Tribunal and other recourse bodies. Each request for legal assistance is tracked as a "case", although the time and action required on the part of the legal officer can vary.

(a) Number of cases

78. In 2014, the Office received 1,180 new cases and closed or resolved 1,171 cases. There were 213 cases carried over into 2014 from previous years. As at

31 December 2014, there were 222 cases pending. The number of cases received and their breakdown by type of case is illustrated in table 10 below.

Table 10
Number and type of cases received by the Office of Staff Legal Assistance: 2009-2014

Year	*Summary legal advice*	*Management evaluation matters*	*Representation before the Dispute Tribunal*	*Representation before the Appeals Tribunal*	*Disciplinary cases*	*Other*	*Total*
2009	172	62	128	10	156	73	601
2010	309	90	76	39	70	13	597
2011	361	119	115	21	55	10	681
2012	630	198	96	31	46	28	1 029[a]
2013	491	116	70	33	37	18	765
2014	797	210	102[b]	15[c]	44	12	1 180[d]
Total	**2 760**	**795**	**587**	**149**	**408**	**154**	**4 853**

[a] The relatively higher number of cases in 2012 was due to a number of "class appeals", in which large groups of staff from the same United Nations entity facing the same issue approached the Office for assistance, but each individual was counted as a case.

[b] Figure is different from that of the Dispute Tribunal Registry owing to differences in the calendar year when cases were opened by the Office and subsequently received by the Dispute Tribunal.

[c] Figure is different from that of the Appeals Tribunal Registry owing to differences in the calendar year when cases were opened by the Office and subsequently received by the Appeals Tribunal and the withdrawal of the Office from representation in one case.

[d] The relatively higher number of cases in 2014 was due to a number of "case clusters"; for example, staff members from the same United Nations entity similarly affected by the same issue or groups of staff members seeking summary legal advice on the same issue or individual cases resulting in numerous applications.

79. Summary legal advice cases vary significantly. They often involve gathering information, conducting legal research, identifying strengths and weaknesses of a case and advising staff members on options for seeking redress and likely outcomes and implications of a particular course of action or approach. Such cases do not involve preparing submissions to a formal body such as the Management Evaluation Unit or the Tribunals, or, in cases of alleged misconduct, writing to the Administration, or otherwise representing a staff member. Management evaluation cases are those cases in which the Office holds consultations and provides legal advice to staff member clients, drafts management evaluation requests on their behalf, holds discussions with the Management Evaluation Unit or equivalent entity within the funds and programmes and negotiates settlements or agreed outcomes. Disciplinary cases are those in which the Office provides assistance to staff members in responding to allegations of misconduct under the Staff Rules.

80. In cases before the Tribunals, the Office holds consultations and provides legal advice to staff member clients, drafts submissions on their behalf, provides legal representation at oral hearings, holds discussions with opposing counsel and, to the extent possible, negotiates settlements. It similarly provides advice and assistance in submissions and processes before other formal bodies and represents staff in formal mediation.

(b) Breakdown of cases

81. The figures below provide various breakdowns of the 1,180 cases received by the Office in 2014.

Figure IX
New cases by recourse body

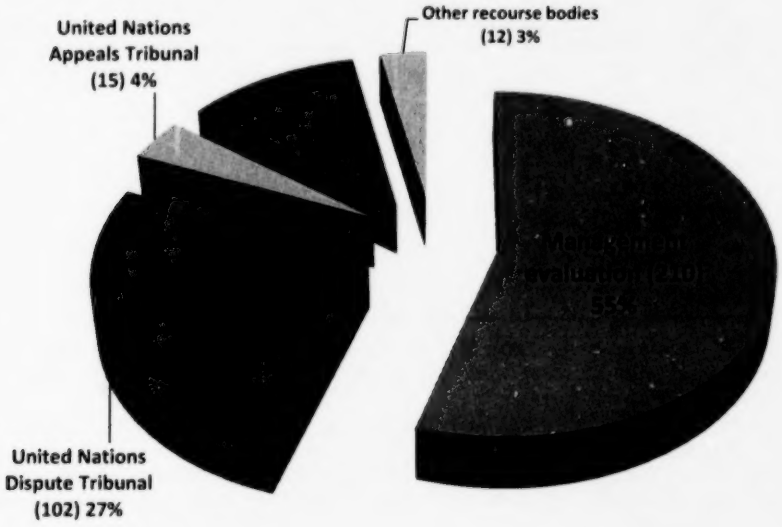


Figure X
New cases by subject matter

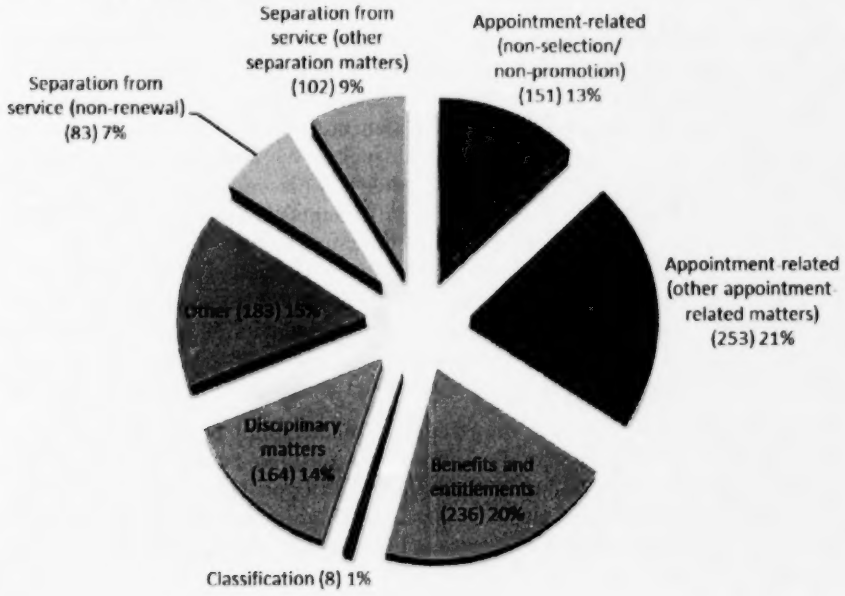
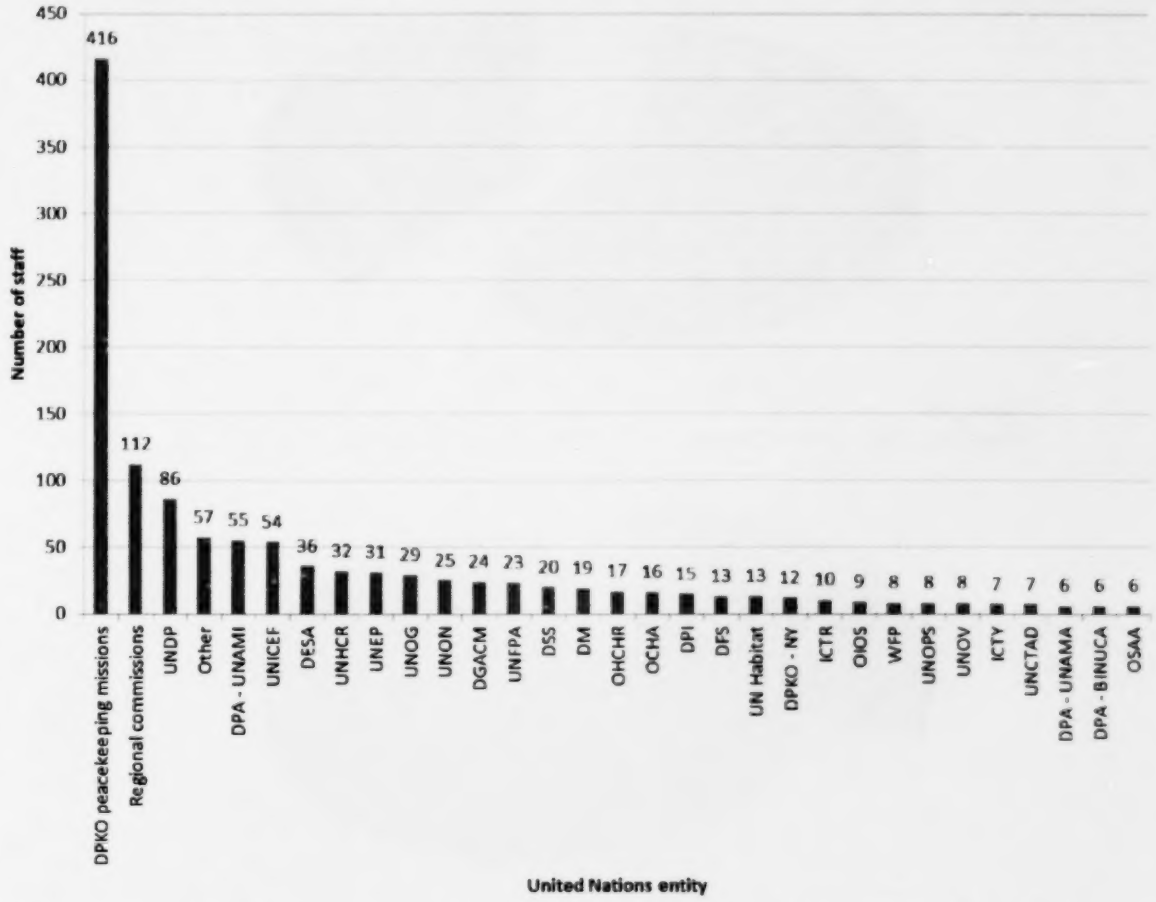

Separation from service (other separation matters) (102) 9%
Appointment-related (non-selection/ non-promotion) (151) 13%
Separation from service (non-renewal) (83) 7%
Appointment related (other appointment related matters) (253) 21%
Disciplinary matters (164) 14%
Benefits and entitlements (236) 20%
Classification (8) 1%

Figure XI

United Nations entity in which the staff member was employed at the time of request for legal assistance



Abbreviations: BINUCA, United Nations Integrated Peacebuilding Office in the Central African Republic; DESA, Department of Economic and Social Affairs; DFS, Department of Field Support; DGACM, Department for General Assembly and Conference Management; DM, Department of Management; DPA, Department of Political Affairs; DPI, Department of Public Information; DPKO, Department of Peacekeeping Operations; DSS, Department of Safety and Security; ICTR, International Criminal Tribunal for Rwanda; ICTY, International Tribunal for the Former Yugoslavia; OCHA, Office for the Coordination of Humanitarian Affairs; OHCHR, Office of the United Nations High Commissioner for Human Rights; OIOS, Office of Internal Oversight Services; OSAA, Office of the Special Adviser on Africa; UNAMA, United Nations Assistance Mission in Afghanistan; UNAMI, United Nations Assistance Mission for Iraq; UNCTAD, United Nations Conference on Trade and Development; UNDP, United Nations Development Programme; UNEP, United Nations Environment Programme; UNFPA, United Nations Population Fund; UN-Habitat, United Nations Human Settlements Programme; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNOG, United Nations Office at Geneva; UNON, United Nations Office at Nairobi; UNOPS, United Nations Office for Project Services; UNOV, United Nations Office at Vienna; WFP, World Food Programme.

Figure XII
Cases by gender

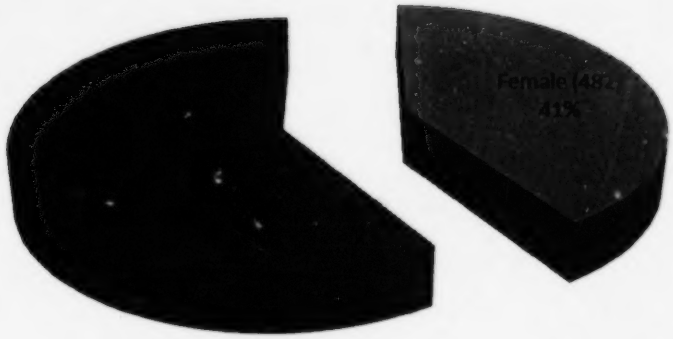
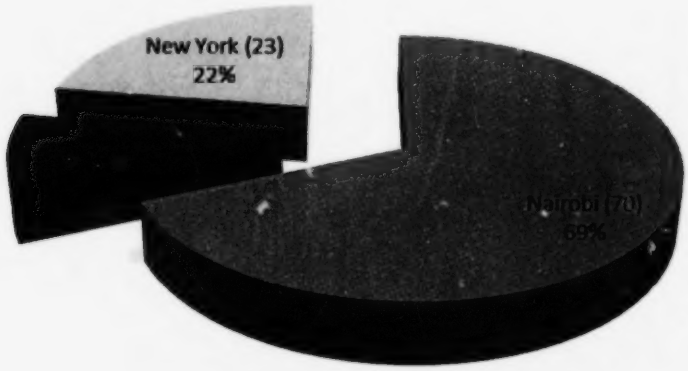


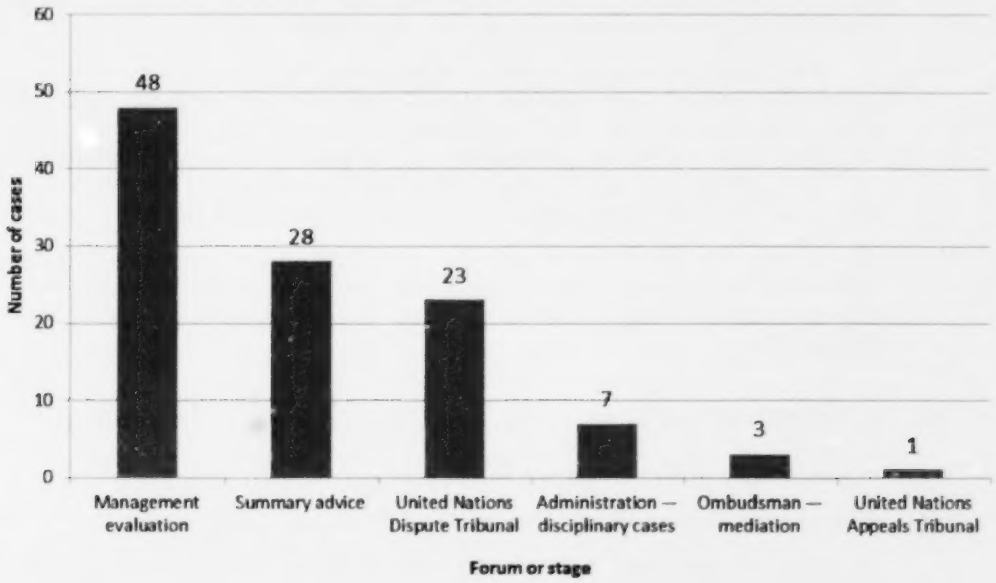
Figure XIII
Cases before the United Nations Dispute Tribunal, by location



(c) Settlement of cases

82. The Office of Staff Legal Assistance settled 110 cases on behalf of clients in 2014. That figure includes cases opened in previous years but closed in 2014 as a result of settlement, as well as new cases opened and closed in 2014 as a result of settlement. Figure XIV shows the breakdown of those cases by the forum (i.e. the relevant recourse body) in which they were settled or the stage at which they were settled.

Figure XIV
Cases settled and closed in 2014, by forum/stage



G. Office of the Executive Director

83. The Office of Administration of Justice is an independent office responsible for the overall coordination of the formal system of administration of justice and for contributing to its functioning in a fair, transparent and efficient manner (see ST/SGB/2010/3).

84. As in past years, in 2014 the Office of Administration of Justice coordinated the preparation of the report of the Secretary-General on the administration of justice at the United Nations (A/69/227), participated in discussions on the report held by the Advisory Committee on Administrative and Budgetary Questions and provided additional information to the Advisory Committee and the Fifth and Sixth Committees of the General Assembly as requested.

85. Through the Office of the Executive Director, the Office of Administration of Justice provided administrative and technical support, as appropriate, to the Internal Justice Council in connection with its mandate, including with regard to its meetings and teleconferences and the preparation of its annual report to the General Assembly on the implementation of the system of administration of justice (A/69/205). During the reporting period, the Internal Justice Council instituted a full public process to identify suitable candidates for judicial vacancies at the Dispute Tribunal and the Appeals Tribunal arising as a result of resignations. The Office of Administration of Justice provided support to the Council in that process and in the preparation of its report to the Assembly on the appointment of the judges of the Appeals Tribunal and of ad litem judges of the Dispute Tribunal (A/69/373).

86. The Office of Administration of Justice continued to enhance online search capabilities for users of the jurisprudential search engine, to enhance the court case

management system platform for data recording and reporting purposes and to update its website to disseminate information on the formal system of administration of justice at the United Nations. There were 115,741 visitors to the website in 2014, of whom nearly 32 per cent were new visitors.

87. The Office of Administration of Justice also chaired the informal working group composed of representatives of staff, the Secretariat and the funds and programmes that met in 2014 to identify a pool of suitable candidates for consideration by the Secretary-General for appointment to the panel to be entrusted with the conduct of the interim independent assessment of the system of administration of justice contemplated by the General Assembly.

88. During the reporting period, the Office of Administration of Justice disseminated information regarding the formal system of administration of justice through outreach missions and at meetings and symposiums of international organizations.

H. Legal offices representing the Secretary-General as respondent

1. Representation of the Secretary-General before the Dispute Tribunal

(a) Administrative Law Section, Office of Human Resources Management

89. The Administrative Law Section comprises the Appeals Unit and the Disciplinary Unit. The Section represents the Secretary-General in the majority of cases brought by staff members of the Secretariat before the Dispute Tribunal. The Section is also responsible for ensuring the implementation of the final judgement in a case. This means that the Section continues to handle a case after the Dispute Tribunal has disposed of it.

90. Organizationally, the Administrative Law Section is located in the Human Resources Policy Service of the Office of Human Resources Management. Its legal officers are posted in New York and Nairobi. The Section works closely with other offices within the Office of Human Resources Management, as legal challenges before the Dispute Tribunal often focus on the interpretation and application of the Staff Rules, Secretary-General's bulletins and other administrative issuances. The Section also advises managers in the Secretariat on the internal justice system and investigative and disciplinary processes.

91. In 2014, the Administrative Law Section handled 430 applications before the Dispute Tribunal brought by staff members of the Secretariat against the Secretary-General.[8] Of the matters handled, 168 were new applications received in 2014. In 2013, the Section received 176 new applications.

92. The applications handled in 2014 primarily concerned challenges relating to appointment, separation from service, benefits and entitlements, imposition of disciplinary measures, and classification matters. The breakdown for 2014 and for previous years is set out in table 11.

[8] This number includes cases carried over from 2013 and earlier, as well as cases brought in 2014.

Table 11

Breakdown of applications handled by the Administrative Law Section before the United Nations Dispute Tribunal: 2011-2014

Type of case handled[a]	*2011*[b]	*2012*[b]	*2013*[b]	*2014*[b]
Appointment	123	138	230	174
Separation from service	62	55	70	64
Benefits and entitlements	40	43	52	69
Disciplinary	60	45	42	29
Classification	9	4	12	12
Other	43	48	59	82
Total	**337**	**333**	**465**	**430**

[a] Includes all applications in which the Administrative Law Section represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications and requests for revision and interpretation.

[b] Includes applications received that year and those carried over from previous years.

93. In addition to handling applications before the Dispute Tribunal, the Administrative Law Section liaises with the Office of Legal Affairs when the Dispute Tribunal issues a judgement. The Office of Legal Affairs determines whether to appeal the judgement to the Appeals Tribunal. Subsequent to final judgements, the Section obtains the information necessary and conveys the judgements to the relevant officials, including to the Controller, for execution.

94. The Disciplinary Unit provides recommendations to senior management regarding the disposition of matters referred to the Office of Human Resources Management for possible disciplinary action. In 2014, the Disciplinary Unit handled 223 disciplinary matters.[9] Information on disciplinary matters is published in an annual report of the Secretary-General to the General Assembly entitled "Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour" (see A/70/253 for information for the 12-month period ended 30 June 2015).

(b) United Nations Office at Geneva

95. Statistics for 2014 and previous years are provided in tables 12 and 13.

[9] This number includes cases received in 2014, as well as matters carried over from 2013.

Table 12
United Nations Office at Geneva: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
31	2	16	1	4	9

[a] Includes all cases in which the Human Resources Legal Unit of the United Nations Office at Geneva represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.

[b] Includes the total number of final outcomes pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the Human Resources Legal Unit represents the Secretary-General as respondent.

Table 13
United Nations Office at Geneva: breakdown of cases before the United Nations Dispute Tribunal, 2010-2014

Type of case handled[a]	*2010*[b]	*2011*[b]	*2012*[b]	*2013*[b]	*2014*[b]
Appointment	22	5	8	14	19
Conduct-related (ST/SGB/2008/5)	2	1	–	2	2
Separation from service	6	2	3	2	4
Benefits and entitlements	9	2	2	7	3
Other	14	4	5	3	3
Total	**53**	**14**	**18**	**28**	**31**

[a] Includes all cases in which the Human Resources Legal Unit of the United Nations Office at Geneva represents the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.

[b] Includes cases received that year and those carried over from previous years.

96. A total of 34 management evaluations were completed during the period from 1 January to 31 December 2014.

(c) United Nations Office at Vienna/United Nations Office on Drugs and Crime

97. Statistics for 2014 and previous years are provided in tables 14 and 15.

Table 14
United Nations Office at Vienna: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
4	–	–	–	–	4

[a] Further to the adoption of resolution 66/237, it was decided that the United Nations Office at Geneva would provide legal services, in particular legal representation before the Dispute Tribunal, to the United Nations Office at Vienna and the United Nations Office on Drugs and Crime. Arrangements were made accordingly, became effective on 1 January 2013 and are relevant for the purposes of the data above. There were no cases disposed of by the Dispute Tribunal in respect of the United Nations Office at Vienna/United Nations Office on Drugs and Crime in 2014.

[b] Includes the total number of final outcomes pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received. The United Nations Office at Geneva represents the Secretary-General as respondent in three cases (in close coordination with the United Nations Office at Vienna) and the United Nations Office at Vienna jointly represents with the United Nations Office at Geneva the Secretary-General as respondent in one case.

Table 15
United Nations Office at Vienna: breakdown of cases before the United Nations Dispute Tribunal, 2010-2014

Type of case handled[a]	*2010*[b]	*2011*[b]	*2012*[b]	*2013*[b]	*2014*[b]
Appointment	9	12	8	5	1
Disciplinary	–	–	–	–	–
Separation from service	1	–	4	2	–
Benefits and entitlements	3	3	–	1	–
Classification	–	1	2	1	–
Other	7	12	6	4	3
Total	**20**	**28**	**20**	**13**	**4**

[a] Includes all cases in which the Human Resources Management Section of the United Nations Office at Vienna and/or the Human Resources Legal Unit of the United Nations Office at Geneva (effective 1 January 2013) represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.

[b] Includes cases received that year and those carried over from previous years.

98. A total of nine management evaluations were completed during the period from 1 January to 31 December 2014. In addition, a total of three requests were filed in 2014; the management evaluations for those cases were pending as at 31 December 2014.

(d) United Nations Office at Nairobi

99. Statistics for 2014 and previous years are provided in tables 16 and 17.

Table 16
United Nations Office at Nairobi: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
24	5	18	2	1	3

[a] Includes all cases in which the United Nations Office at Nairobi represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.

[b] Includes the total number of final outcomes pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the United Nations Office at Nairobi represented the Secretary-General as respondent.

Table 17
United Nations Office at Nairobi: breakdown of cases before the United Nations Dispute Tribunal, 2011-2014

Type of case handled[a]	*2011*[b]	*2012*[b]	*2013*[b]	*2014*[b]
Appointment	1	1	1	2
Disciplinary	–	–	–	–
Separation from service	3	4	2	–
Benefits and entitlements	3	4	17	15
Classification	1	4	9	3[c]
Other	2	1	2	9[d]
Total	**10**	**14**	**31**	**29**

[a] Includes all cases in which the United Nations Office at Nairobi represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.

[b] Includes cases received that year and those carried over from previous years.

[c] Co-counsel with the United Nations Environment Programme.

[d] Includes one case in which the United Nations Office at Nairobi is co-counsel with the Administrative Law Section of the Office of Human Resources Management.

(e) United Nations Environment Programme

100. Statistics for 2014 and previous years are provided in tables 18 and 19.

Table 18
United Nations Environment Programme: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
7	–	7	–	–	3

[a] Includes all cases in which the United Nations Environment Programme represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.

[b] Includes the total number of final outcomes pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the United Nations Environment Programme represented the Secretary-General as respondent.

Table 19
United Nations Environment Programme: breakdown of cases before the United Nations Dispute Tribunal, 2010-2014

Type of case handled[a]	*2010*	*2011*	*2012*	*2013*	*2014*
Recruitment	–	–	–	–	3
Appointment	–	–	–	–	–
Disciplinary	–	–	–	–	–
Separation from service	–	–	2	2	4
Benefits and entitlements	–	–	–	1	–
Classification	–	–	5	9	3
Other	–	1	–	3	–
Total	**–**	**1**	**7**	**15**	**10**

[a] Includes all cases in which the United Nations Environment Programme represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.

101. A total of five management evaluations were completed during the period from 1 January to 31 December 2014.

(f) United Nations Human Settlements Programme

102. Statistics for 2014 and previous years are provided in tables 20 and 21.

Table 20

United Nations Human Settlements Programme: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
5	1	4	–	–[c]	–

[a] Includes all cases in which the United Nations Human Settlements Programme represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.

[b] Includes the total number of final outcomes pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the United Nations Human Settlements Programme represented the Secretary-General as respondent.

[c] Decision not technically overturned because staff member had separated.

Table 21

United Nations Human Settlements Programme: breakdown of cases before the United Nations Dispute Tribunal, 2010-2014

Type of case handled[a]	*2010*[b]	*2011*[b]	*2012*[b]	*2013*[b]	*2014*[b]
Appointment	2	–	–	–	–
Disciplinary	–	1	–	–	–
Separation from service	–	1	1	2	1
Benefits and entitlements	1	1	–	–	–
Classification	–	–	–	–	–
Other	1	–	–	2	4
Total	**4**	**3**	**1**	**4**	**5**

[a] Includes all cases in which the United Nations Human Settlements Programme represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.

[b] Includes cases received that year and those carried over from previous years.

(g) United Nations Development Programme

103. Statistics for 2014 and previous years are provided in tables 22 to 24.

Table 22
United Nations Development Programme: management evaluation cases as at 31 December 2014

Total management evaluation cases filed[a]	*Cases upheld*[b]	*Cases settled*[c]	*Cases appealed to the Dispute Tribunal*[d]	*Cases carried forward*[e]	*Outcome of cases at the Dispute Tribunal*[f]			
					Upheld	*Partially upheld*	*Overturned*	*Pending*
41	26	7	7	6	1	–	–	6

[a] Cases filed with the management evaluation entity within the United Nations Development Programme.
[b] Includes cases carried over from 2013 and earlier, and cases received in 2014.
[c] Includes all cases in which the matter was settled in whole or in part as a result of management evaluation.
[d] Includes all cases that were appealed to the Dispute Tribunal in 2014.
[e] Includes all open cases that were not resolved in 2014 and were carried over to 2015.
[f] Includes all cases that were disposed of by the Dispute Tribunal in 2014 or were pending before it as at 31 December 2014.

Table 23
United Nations Development Programme: breakdown of cases before the United Nations Dispute Tribunal, 2012-2014

Type of case handled[a]	*2012*[b]	*2013*[b]	*2014*[b]
Appointment	–	3	1
Disciplinary	7	2	1
Separation from service	7	7	8
Benefits and entitlements	–	–	28[c]
Other	4	4	6
Total	**18**	**16**	**44**

[a] Includes all cases in which the United Nations Development Programme represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.
[b] Includes cases received that year and those carried over from previous years.
[c] Includes 26 cases referenced in UNDT/2015/022.

Table 24
United Nations Development Programme: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
18	3	5	–	2	8

[a] Includes all cases in which the United Nations Development Programme represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.
[b] Includes the total number of judgements pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the United Nations Development Programme represented the Secretary-General as respondent.

(h) United Nations Children's Fund

104. Statistics for 2014 and previous years are provided in tables 25 to 27.

Table 25
United Nations Children's Fund: management evaluation cases as at 31 December 2014

Total management evaluation requests filed[a]	*Requests carried forward*[b]	*Decisions upheld*	*Decisions reversed*	*Requests settled*[c]	*Requests non-receivable*	*Requests withdrawn*	*Cases appealed to the Dispute Tribunal*[d]
31	2	13	3	2	12	1	8

[a] Includes cases filed with the management evaluation entity within the United Nations Children's Fund.
[b] Includes all open cases that were not resolved in 2013 and were carried over to 2014.
[c] Includes all cases in which the matter was settled in whole or in part as a result of management evaluation.
[d] Includes all cases that were appealed to the Dispute Tribunal in 2014.

Table 26
United Nations Children's Fund: breakdown of cases before the United Nations Dispute Tribunal, 2012-2014

Type of case handled[a]	*2012*	*2013*	*2014*[b]
Appointment	1	–	1
Disciplinary	1	2	–
Separation from service	–	5	12
Benefits and entitlements	1	–	29
Other	–	4	5
Total	**3**	**11**	**47**

[a] Includes all cases in which the United Nations Children's Fund represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.
[b] Includes all cases that were disposed of by the Dispute Tribunal in 2014 or were pending before it as at 31 December 2014.

Table 27
United Nations Children's Fund: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
14	3	9	1	1	5

[a] Includes all cases in which the United Nations Children's Fund represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.
[b] Includes the total number of judgements pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the United Nations Children's Fund represented the Secretary-General as respondent.

(i) Office of the United Nations High Commissioner for Refugees

105. Statistics for 2014 and previous years are provided in tables 28 to 30.

Table 28
Office of the United Nations High Commissioner for Refugees: management evaluation cases as at 31 December 2014

Total management evaluation cases filed[a]	*Cases upheld*[b]	*Cases settled*	*Cases appealed to the Dispute Tribunal*[c]	*Cases carried forward*[d]	*Outcome of cases at the Dispute Tribunal*[e]			
					Upheld	*Partially upheld*	*Overturned*	*Pending*
45	34	–	8	22	6	–	–	33

[a] Cases filed with the management evaluation entity within the Office of the United Nations High Commissioner for Refugees in 2014.
[b] Includes 12 cases considered moot or not receivable.
[c] Includes all cases that were appealed to the Dispute Tribunal in 2014. Does not include 19 applications to the Dispute Tribunal where no management evaluation was requested.
[d] Includes all open cases that were not resolved in 2014 and were carried over to 2015.
[e] Includes all cases that were disposed of by the Dispute Tribunal in 2014 or were pending before it as at 31 December 2014.

Table 29
Office of the United Nations High Commissioner for Refugees: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*[b]	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[c]
9	3	6	–	–	33

[a] Includes all cases in which the Office of the United Nations High Commissioner for Refugees represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.
[b] Includes three cases settled.
[c] Includes the total number of judgements pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the Office of the United Nations High Commissioner for Refugees represented the Secretary-General as respondent.

Table 30
Office of the United Nations High Commissioner for Refugees: breakdown of cases before the United Nations Dispute Tribunal, 2010-2014

Type of case handled[a]	*2010*	*2011*	*2012*	*2013*	*2014*
Appointment	13	11	18	12	6
Disciplinary	4	–	1	1	3
Separation from service	3	13	1	1	6
Benefits and entitlements	1	1	–	–	19[b]
Other	6	2	3	1	3
Total	**27**	**27**	**23**	**15**	**37**

[a] Includes all cases in which the Office of the United Nations High Commissioner for Refugees represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.
[b] Includes 19 applications relating to the periodic salary survey.

(j) United Nations Office for Project Services

106. Statistics for 2014 and previous years are provided in tables 31 to 33.

Table 31
United Nations Office for Project Services: management evaluation cases as at 31 December 2014

Total management evaluation cases filed	*Cases upheld*[a]	*Cases settled*	*Cases appealed to the Dispute Tribunal*	*Cases carried forward*	*Outcome of cases at the Dispute Tribunal*[b]			
					Upheld	*Partially upheld*	*Overturned*	*Pending*
1	2	–	1	–	1	1	2	–

[a] Includes cases carried over from 2013.
[b] Includes cases that were filed before 2014 and disposed of by the Dispute Tribunal in 2014.

Table 32
United Nations Office for Project Services: breakdown of cases before the United Nations Dispute Tribunal, 2012-2014

Type of case handled	*2012*[a]	*2013*[a]	*2014*[a]
Appointment	–	1	1
Disciplinary	4	2	–
Separation from service	2	3	1
Benefits and entitlements	2	2	2
Other	1	3	1
Total	**9**	**11**	**5**

[a] Includes cases received that year and those carried over from previous years.

Table 33
United Nations Office for Project Services: outcome of cases before the United Nations Dispute Tribunal, 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*
5	1	1	1	2	–

[a] Includes all cases in which the United Nations Office for Project Services represented the Secretary-General as respondent that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.

(k) United Nations Population Fund

107. Statistics for 2014 and previous years are provided in tables 34 to 36.

Table 34
United Nations Population Fund: management evaluation cases as at 31 December 2014

Total management evaluation cases filed	*Cases upheld*	*Cases settled*[a]	*Cases appealed to the Dispute Tribunal*[b]	*Cases carried forward*[c]	*Outcome of cases at the Dispute Tribunal*[d]			
					Upheld	*Partially upheld*	*Overturned*	*Pending*
23	22	1	8	2	29	–	2	7

[a] Includes all cases in which the matter was settled in whole or in part as a result of management evaluation.
[b] Includes all cases that were appealed to the Dispute Tribunal in 2014.
[c] Includes all open cases that were not resolved in 2013 and were carried over to 2014.
[d] Includes all cases that were disposed of by the Dispute Tribunal in 2014 or were pending before it as at 31 December 2014.

Table 35
United Nations Population Fund: breakdown of cases before the United Nations Dispute Tribunal, 2012-2014

Type of case handled[a]	*2012*	*2013*	*2014*
Appointment	3	1	1
Disciplinary	2	–	–
Separation from service	4	1	1
Benefits and entitlements	–	–	28
Other	–	–	8
Total	**9**	**2**	**38**

[a] Includes all cases in which the United Nations Population Fund represented the Secretary-General as respondent, regardless of whether a judgement was issued, including suspension of action applications.

Table 36
United Nations Population Fund: outcome of cases before the United Nations Dispute Tribunal from 1 January to 31 December 2014

Total cases[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Judgement pending*[b]
38	–	29	–	2	7

[a] Includes all cases in which the United Nations Population Fund represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Dispute Tribunal or were otherwise settled in 2014, regardless of when the application was received.
[b] Includes the total number of judgements pending before the Dispute Tribunal as at 31 December 2014, regardless of when the application was received, in cases in which the United Nations Population Fund represented the Secretary-General as respondent.

2. Representation of the Secretary-General before the Appeals Tribunal

Office of Legal Affairs

108. As the central legal service of the Organization, the Office of Legal Affairs of the Secretariat provides legal advice to the Secretary-General, Secretariat departments and offices, funds and programmes and other United Nations system

organs in a number of areas, including the administration of justice system. Within the Office, the organizational unit entrusted with the responsibility for providing legal advice regarding administration and management matters is the General Legal Division.

109. The functions of the Division include: reviewing each and every administrative issuance relating to human resources management policy for consistency and accuracy prior to its promulgation; providing legal advice, assistance and support concerning the interpretation of the Charter of the United Nations, the resolutions and decisions of the General Assembly, the Staff Regulations and Rules, the mandates of programmes and activities in which United Nations organs are engaged and other administrative issuances of the Organization; and providing legal advice on matters before an administrative decision is taken, including by legally clearing recommendations for the dismissal of staff members.

110. In addition, the Division reviews and analyses each and every judgement of the Dispute Tribunal and the Appeals Tribunal, thereby developing a comprehensive view of the jurisprudence in the administration of justice system. The Division draws on this analysis when it provides legal advice during the early stages of a claim advanced by a staff member, well before such a claim has progressed to litigation. The Division also uses this analysis to provide case-specific advice to the entities representing the Secretary-General at the first level of the judicial process and to brief them generally on legal developments. Such advice and briefing ensure coordination and consistency in the legal strategies and arguments advanced by the Secretary-General on issues of policy and principle. The Division further uses this analysis when determining whether appealing a given judgement of the Dispute Tribunal is in the interest of the Organization. The Division reviewed all 248 judgements of the Dispute Tribunal and the Appeals Tribunal that were rendered in 2014.

111. The Division is also responsible for the representation of the Secretary-General before the Appeals Tribunal. This responsibility encompasses both the filing of appeals against judgements of the Dispute Tribunal and responding to appeals filed by staff members. It also involves filing motions and responses to motions, as well as oral advocacy in support of the Secretary-General at hearings before the Appeals Tribunal. Once judgements are released, the Division further provides advice on their implementation and on responses to inquiries regarding their implications. In 2014, the Appeals Tribunal rendered 82 judgements in cases in which the Secretary-General was a party.

III. Responses to questions relating to the administration of justice

A. Overview

112. In its resolution 69/203, the General Assembly made a number of requests to the Secretary-General for information and proposals for consideration at its seventieth session, and in paragraph 50 thereof asked the Secretary-General to report on the implementation of the resolution at that session.

B. Responses

1. Interim independent assessment of the internal justice system

113. Pursuant to the direction and guidance of the General Assembly set out in its resolution 69/203, the Secretary-General appointed a panel of independent experts to conduct an interim independent assessment of the system of administration of justice.

114. The members of the panel are: Jorge Bofill (Chile), Chris de Cooker (Netherlands), Hina Jilani (Pakistan), Navanethem Pillay (South Africa) and Leonid Skotnikov (Russian Federation).[10] The panel is supported by a secretary at the P-5 level and an administrative assistant.

115. In accordance with paragraph 13 of resolution 69/203, the Secretary-General will transmit the recommendations of the panel of experts, together with its final report and his comments, for consideration by the General Assembly at the main part of its seventy-first session.

2. Implementation of recommendations to address systemic and cross-cutting issues

116. In paragraph 17 of resolution 69/203, the General Assembly requested the Secretary-General to report on progress made in the implementation of recommendations to address systemic and cross-cutting issues contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/69/126).

117. The Secretary-General's report is set out in annex II.

3. Proactive case management

118. In paragraph 27 of resolution 69/203, the General Assembly requested the Secretary-General to report on the practice of proactive case management by the Dispute Tribunal judges in the promotion and successful settlement of disputes within the formal system of administration of justice.

119. Proactive case management facilitates expeditious and efficient procedures in general and is a key factor in facilitating the successful settlement of disputes within the formal system or the withdrawal of cases by applicants.

120. Case management helps to identify and narrow the issues in dispute, identify jurisdictional or receivability issues that lend themselves to fast-tracking or preliminary determination, including through summary judgement. Case management also helps to identify the evidence proposed in support of the claims made and handle any other procedural or substantive issues for the fair and expeditious disposal of a case, including by issuing directions with respect to the procedure to be followed and timelines. Effective case management significantly reduces the need for lengthy hearings or hearings at all.

121. As set out in section II.D above, 31 cases were settled in 2014 by the parties as a result of the Dispute Tribunal judges encouraging parties during case management to engage in meaningful good faith consultations with a view to informal settlement

[10] The sixth member of the Panel, Bob Hepple (United Kingdom), resigned on 5 August 2015.

of their disputes. A further 18 cases were withdrawn by applicants following case management, and 6 more cases were successfully mediated after case management.

4. Data and emerging trends

122. In paragraph 28 of resolution 69/203, the General Assembly requested the Secretary-General to continue to track the data on the number of cases received by the Management Evaluation Unit and the Dispute Tribunal in order to identify any emerging trends and to include his observations on those statistics in future reports.

123. Data concerning the caseloads of the Management Evaluation Unit and the Dispute Tribunal are reported in those sections of the present report dealing with their activities (sects. II.B and II.D, respectively). Observations with respect to those and other data are included in the observations section of the report (sect. II.A).

5. Voluntary supplemental funding mechanism for the Office of Staff Legal Assistance

124. In paragraph 33 of resolution 68/254, the General Assembly decided that the funding of the Office of Staff Legal Assistance would be supplemented by a voluntary payroll deduction, to be implemented on an experimental basis from 1 January 2014 to 31 December 2015. In paragraph 33 of resolution 69/203, the Assembly requested the Secretary-General to continue to collect and examine data relating to staff contributions to the Office of Staff Legal Assistance and to report thereon to the Assembly in his next report.

125. The aggregate monthly opt-out rates and voluntary contributions by staff (in United States dollars) under the mechanism from the commencement of the two-year experimental period on 1 January 2014 to 30 June 2015 are set out in annex III.

126. Staff contributions received under the mechanism total approximately $60,000 per month. This allows the Office to acquire, on a temporary basis for the balance of the experimental period, many of the additional resources that it requires, which were identified in previous reports of the Secretary-General as consisting of two P-4 Legal Officers, four General Service Administrative Assistants and related non-post resources.[11] The Office is adding one Legal Officer each in New York and Nairobi and one Legal Assistant each in Addis Ababa, Beirut and Nairobi. Selection exercises for these temporary positions have either been completed or are in progress. Staff contributions were insufficient to allow for the addition of one Legal Assistant in Geneva. These additional resources are particularly important, given the increase in the Office's caseload in 2014, as reported in section II.F of the present report.

127. The mechanism, exceptionally implemented and limited to funding additional resources for the Office, has largely met funding expectations, although significant opt-out rates in some entities and geographic regions make ongoing outreach important and the lack of funds for one Administrative Assistant in Geneva creates inefficiencies, as the Legal Officer must attend to both professional and administrative duties.

128. The two-year experimental period ends on 31 December 2015. It is critical for the Office to retain the additional Professional and General Service staff funded

[11] See A/69/227, para. 114; A/68/346, para. 129 and annex III; and A/67/265, annex II, para. 41.

through the mechanism in order to keep up with the caseload. In the long term, it is critical that the Office have certainty and stability with respect to the additional resources that it requires. Mindful of the interim independent assessment of the internal justice system, and pending further consideration of the long-term funding of those additional resources, the Secretary-General recommends that the experimental period established by the General Assembly for the purpose of providing for additional resources for the Office be extended for one year, from 1 January to 31 December 2016.

6. Incentives for staff not to opt out

129. In paragraph 32 of resolution 69/203, the General Assembly requested the Secretary-General to report on the implementation of incentives for staff not to opt out of the voluntary supplemental funding mechanism with respect to additional resources for the Office of Staff Legal Assistance and to report thereon in his next report.

130. A number of steps have been taken to encourage staff not to opt out of the voluntary supplemental funding mechanism. Articles have been posted to the United Nations intranet to explain the mechanism and the benefits to staff of additional resources for the Office of Staff Legal Assistance. The Chef de Cabinet has issued a memorandum to all heads of departments, offices and regional commissions to encourage contributions under the mechanism and support for the Office's outreach efforts. Information about the mechanism is being disseminated in response to questions from staff. The Office has met with various staff associations and unions and urged them to lend their support to the mechanism. Entities and duty stations with high opt-out rates have been prioritized for outreach missions about the internal justice system and the Office's role therein, and the Office has revised its outreach presentations to emphasize the importance of staff contributions under the mechanism. Staff members who contact the Office for legal assistance are encouraged not to opt out, and its standard-form outbound communications have been revised to refer to the mechanism. The Office also includes a reference to the mechanism as part of its presentation to new staff members during their induction.

7. Lessons-learned guides

131. In paragraph 35 of resolution 69/203, the General Assembly requested the Secretary-General to ensure that a lessons-learned guide on performance management based on the jurisprudence of the Tribunals is completed before the main part of the seventieth session and that it is shared with managers across the Organization.

132. The lessons-learned guide on performance management will be distributed to senior and line managers and made available on the intranet site of the Department of Management during the seventieth session. In addition, the Department anticipates that a lessons-learned guide regarding organizational change will be issued during that session.

8. Implementation of amendments to the Tribunals' statutes

133. In paragraph 41 of resolution 69/203, the General Assembly requested the Secretary-General to report at the main session of its seventieth session on the implementation of the amendment to article 11, paragraph 3, of the statute of the

Dispute Tribunal and article 7, paragraph 5, of the statute of the Appeals Tribunal, including with respect to administrative implications for the timely disposal of the cases, the ultimate disposition of appeals of orders, if any, and any costs saved by reason of stays pending such appeals.

134. The amendment to article 11 (3) of the statute of the Dispute Tribunal to provide that "the judgements and orders of the Dispute Tribunal shall be binding upon the parties, but are subject to appeal in accordance with the statute" and to article 7 (5) of the statute of the Appeals Tribunal to provide that "the filing of appeals shall have the effect of suspending the execution of the judgement or order contested" were approved by the General Assembly on 19 December 2014.

135. At this point, it is too early to identify measurable administrative effects on the timely disposal of cases or the ultimate disposition of applications for orders, or any costs saved as a result of the amendments.

9. Privileges and immunities of the judges

136. In paragraph 43 of resolution 69/203, the General Assembly requested the Secretary-General to review the issue of harmonization of the privileges and immunities of the judges and submit a proposal in his next report.

137. The Secretary-General's proposal for harmonization is set out in annex IV.

10. Code of conduct for all legal representatives

138. In paragraph 44 of resolution 69/203, the General Assembly requested the Secretary-General to submit a single code of conduct for all legal representatives, without prejudice to other lines of disciplinary authority.

139. Preparation of a single code of conduct for all legal representatives is under way, and it is expected that the code of conduct will be ready for presentation at the seventy-first session of the General Assembly.

11. Incentives for volunteers for the Office of Staff Legal Assistance

140. In paragraph 45 of resolution 69/203, the General Assembly reiterated its request to the Secretary-General to develop incentives for staff and management, including through training opportunities, to enable and encourage staff to continue to participate as volunteers in the work of the Office of Staff Legal Assistance.

141. A number of the same means used to encourage staff not to opt out of the voluntary supplementary funding mechanism have been employed to enable and encourage staff to volunteer for the Office of Staff Legal Assistance. In her memorandum to all heads of departments, offices and regional commissions, the Chef de Cabinet invited them to support to the greatest extent possible the interest of staff in volunteering for the Office. The standard-form outbound communications of the Office refer to opportunities to volunteer, and it has revised the training materials that it distributes to volunteers and interns. The Office of Administration of Justice has opened up the continuing professional development training that it organizes for lawyers working in the internal justice system to qualified volunteers. The Office of Staff Legal Assistance also writes to volunteers to thank them and acknowledge their important contributions.

12. Mechanism to address complaints against judges

142. In paragraph 46 of resolution 69/203, the General Assembly requested the Secretary-General to submit a refined proposal with regard to the scope of application and title of the mechanism to address complaints under the code of conduct of judges.

143. The refined proposal of the Secretary-General is set out in annex V.

144. In elaborating the refined proposal, the Secretary-General had regard to the comments of the Sixth Committee annexed to the letter dated 29 October 2014 from the President of the General Assembly to the Chair of the Fifth Committee (A/C.5/69/10). Most of the comments are reflected in the refined proposal. However, the Secretary-General respectfully suggests that the General Assembly may wish to further consider the scope of application and the title of the mechanism.

145. The Secretary-General is concerned that to limit the application of the mechanism to the performance of official duties may inadvertently fail to include conduct that may warrant consideration under the mechanism. Hypothetical examples for illustrative purposes include alleged inappropriate conduct at social functions at which staff members are present or, in a worst-case scenario, alleged sexual harassment of a staff member outside the office environment. Such conduct would not fall within the terms of performance of official duties. Such limitation would also be inconsistent with the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (resolution 66/106, annex), which contemplates obligations not only in the discharge of their duties. For example, paragraph 3 (a) of the code provides that judges must be of high moral character and always, and not only in the discharge of their duties, act honourably and in accordance with the values and principles set out in the code. It is therefore respectfully suggested that the scope of application of the mechanism should not be linked to the performance of official duties. The refined proposal is so drafted.

146. In the event that the General Assembly wishes to make revisions to the refined proposal, it is respectfully suggested that the Assembly do so at the seventieth session, so that a mechanism may be approved at that session, as it is in the best interests of administration of justice at the United Nations for a mechanism to be established.

13. Accountability where violations of rules and procedures have led to financial loss

147. In paragraph 48 of resolution 69/203, the General Assembly requested the Secretary-General to present proposals with reference to the accountability of all individuals where violations of the Organization's rules and procedures have led to financial loss.

148. As part of its overall efforts to strengthen accountability, the Organization has closely monitored the outcomes of cases since the establishment of the new internal system of justice. At the management evaluation stage, the Organization has taken a varied approach to accountability, resulting in concrete steps to realize accountability, including:

(a) To modify or change the impugned decision where it has been determined that the manager has improperly exercised his or her delegated authority when making that decision, thereby withdrawing the decision-making authority of the manager for that particular decision;

(b) To speak with the manager concerning the contested decision, explaining why the decision was improper and discussing lessons learned;

(c) To refer a case for investigation, where it has been determined that the improper exercise of delegated authority by the manager might rise to the level of possible misconduct;

(d) To place a note on the official status file of the manager taking note of the improper decision;

(e) To introduce specific performance evaluation objectives for the manager, where it has been determined that the contested decision was taken as a result of poor management;

(f) To require that a manager attend training in the light of the taking of an improper decision;

(g) To decide that the performance of a manager be specifically assessed in view of a poor administrative decision that was reversed.

149. In 2014, the Management Evaluation Unit made some of the above-mentioned recommendations in 12 cases following requests for management evaluation. In all requests, the matter was analysed individually in order to establish whether there was a managerial failure and, if so, how serious it was, whether there was "intent" and what the appropriate accountability measures would be.

150. Under Staff Rule 10.1, staff can be held financially accountable for losses suffered by the Organization only when misconduct has been established. The high bar for imposing personal financial accountability arises from the Organization's clear distinction between instances where a financial loss suffered by the Organization results from an inadvertent error, oversight or simple negligence, and instances where a financial loss results from gross negligence. In the former instances, any deficiencies are addressed through performance management mechanisms, such as the ones listed above. The latter instances involve negligence of a very high degree involving an extreme and wilful or reckless failure to act as a reasonable person in applying or in failing to apply the regulations and rules of the Organization. To date, no such cases have been identified.

151. From the Organization's experience before the Tribunals, it is apparent that some negative outcomes in litigation may result from factors that would not entail personal accountability. For example, a manager's interpretation of the Staff Rules may have been plausible but is not accepted by one or both of the Tribunals. In other cases, the Tribunal's interpretation did not differ from that of the Administration; rather, the outcome turned on what the Tribunal considered were procedure flaws that may not have been apparent at the time the administrative decisions were taken. It is also noted that administrative decision-making takes place in the context of the evolving jurisprudence of the Tribunals, which may challenge previously held notions.

152. The Organization continues to monitor the outcomes at both the management evaluation and litigation stages in order to refine the measures taken towards personal accountability in those cases in which it is appropriate.

IV. Other matters

153. Information on compensation paid in accordance with recommendations by the Management Evaluation Unit and awarded by the Tribunals is set out in annex VI.

V. Resource requirements

154. Resources for the system of administration of justice, including for the continuation of the three ad litem judges and the staff that support them until 2016, referred to in paragraphs 46 to 49 above, are reflected in the proposed programme budget for the biennium 2016-2017. No additional resources are being requested in the context of the present report.

VI. Conclusions and actions to be taken by the General Assembly

155. **The Secretary-General requests the General Assembly to give due consideration to the recommendations and proposals contained in the present report.**

156. **Accordingly, the Secretary-General requests the General Assembly:**

(a) **To approve the extension of the three ad litem judge positions, including the extension of the sitting ad litem judges, and the staffing complement that supports them, for one year, from 1 January to 31 December 2016;**

(b) **To take note of:**

(i) **Progress made in the implementation of recommendations to address systemic and cross-cutting issues contained in the report of the Secretary-General on the activities of the Office of the Ombudsman and Mediation Services;**

(ii) **Information provided with respect to proactive case management by Dispute Tribunal judges in the promotion and successful settlement of disputes within the formal system;**

(iii) **Data provided with respect to cases within the formal internal justice system and the observations made with respect to the data and emerging trends;**

(iv) **Information provided with respect to the voluntary supplemental funding mechanism for additional resources for the Office of Staff Legal Assistance, and approve the extension of the experimental period for the mechanism for one year, from 1 January to 31 December 2016;**

(v) **Information provided with respect to incentives for staff not to opt out of the voluntary supplemental funding mechanism;**

(vi) **Information provided with respect to the issuance of further lessons-learned guides, including on performance management;**

(vii) **Information provided with respect to the implementation of the amendments to the statutes of the Dispute Tribunal and the Appeal Tribunal;**

(viii) **Further examination of the issue of harmonization of the privileges and immunities of the judges of the Tribunals and approve the proposal with respect thereto;**

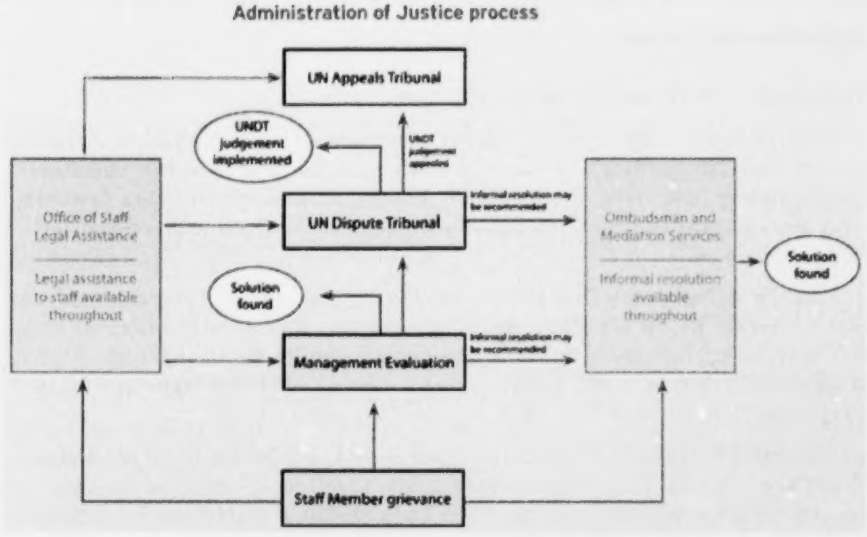
(ix) **Information provided with respect to incentives for volunteers for the Office of Staff Legal Assistance;**

(c) **To approve the refined proposal for a mechanism to address complaints against judges;**

(d) **To take note of the information provided with respect to the accountability of all individuals where violations of the Organization's rules and procedures have led to financial loss and the action taken with respect thereto.**

Annex I

United Nations administration of justice flow chart



Abbreviations: UNAT, United Nations Appeals Tribunal; UNDT, United Nations Dispute Tribunal.

Annex II

Progress made in the implementation of the recommendations contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services

International and locally recruited staff

1. The Office of the United Nations Ombudsman and Mediation Services observed that "the Office's work with visitors from peacekeeping operations, including during field visits, has repeatedly brought up a variety of issues involving locally recruited national staff, including their relationship with international staff" (A/69/126, para. 42).

2. The Field Personnel Division of the Department of Field Support and the Office of Human Resources Management have implemented several initiatives in an effort to resolve those issues, including by participating in the working groups that had guided the learning and career support strategy that was approved by the Management Committee in June 2014.

3. The Field Personnel Division notes that there is a need for targeted, strategic and sustained internal communications to mission staff at all levels in the areas of diversity, building trust, empowering others and conditions of service. One approach taken to minimize the potential conflict between international and national staff has been that of dialogue, whereby the rationale behind expatriate and non-expatriate conditions of service has been explained in order to avoid perceptions of unequal treatment.

4. Furthermore, international staff should be made aware of the impact of their behaviour on national staff, and training should better support managers and supervisors working in missions in order to promote more effective and harmonious post-conflict working environments.

5. There is a need to lay out career prospects and manage expectations during the recruitment phase to help to avoid stress and feelings of being undervalued.

6. To support career prospects and capacity-building among national staff, the Department of Field Support has conducted visits to field missions, with activities offered in those missions that are downsizing, including town hall meetings; one-on-one meetings with staff to address personal and professional concerns and to help to reduce anxiety and stress levels; training/briefing sessions on personnel history profile preparation; curriculum vitae/résumé writing sessions and workshops to assist separating staff in reintegrating into the workforce outside the United Nations system; and job fairs with local multinational organizations and agencies, funds and programmes to promote new job opportunities and to introduce potential local employers to national staff affected by the drawdown.

7. In addition, the Field Personnel Division of the Department of Field Support and the Office of Human Resources Management have participated in discussions on improving management and leadership (e.g. guidance on how to manage people, programmes or financial resources), career support (particularly in the context of the recently approved managed mobility policy and learning focused on core

competencies: communications, multiculturalism and languages) and foundational learning and technical advisory services (guidance on minimum standards for induction at all duty stations and better information and support tools to integrate into a new duty station).

8. In terms of online activities, the updated learning catalogue available from the online human resources portal lists training activities currently available to staff, in particular in the areas of client orientation and negotiation and conflict resolution.

9. In addition, the Department of Field Support launched an online course targeting human resources practitioners in Inspira in 2014. It provides those taking the course with a foundational understanding of how to handle disputes and complaints in a field context.

10. Lastly, a new Field Personnel Division/Office of Human Resources Management webinar series on diversity and inclusion was piloted from October to December 2014 with the aim of, among other things, promoting greater sensitivity to diversity and inclusion in the workplace. A case study specific to human resources practitioners was incorporated into the training. The webinar was mandatory for all field human resources practitioners and all Division staff; a total of 543 staff participated.

Accommodating partial medical clearances

11. The Office of the United Nations Ombudsman and Mediation Services observed that "a more long-term opportunity involves the development of a return-to-work policy that benefits both staff and the Organization" (ibid., para. 51). The Office of Human Resources Management has acknowledged the issue and engaged in early discussions with the relevant offices, including the Field Personnel Division, in the joint assessment and management of all such cases. Improved case management of sick leave cases and return-to-work programmes have become a major focus of the work overall, and positive results are expected in the near future. The active management of cases is now beginning at an earlier stage and before long periods of sick leave make a return to work markedly more difficult.

Performance management

12. The Office of Human Resources Management continues to work to improve the performance management system in terms of both compliance and quality. The policy and the tool are being updated and will be implemented if the General Assembly endorses the overall approach. The Office is also working to improve the Organization's performance in this area through an extensive communications strategy and updated and streamlined training materials, as well as through training of senior managers and supervisors.

Strengthening investigations

13. With regard to the concern expressed regarding the timeliness of investigations, the Office of Internal Oversight Services has been implementing measures for improvement. It has established a target of an average of 6 months for case completion, with a maximum of 12 months for any individual case, in its timeline for the completion of investigations and closely monitors performance through monthly and quarterly case management meetings.

14. In September 2015, the Office will introduce a new investigations case management system, GoCase, to assist in better monitoring case progression by investigations teams. The system will have built-in reminders or alerts of approaching milestones or deadlines to assist in reducing the time required to finalize cases.

15. The Office has also introduced digital audio recording of interviews to increase the accuracy and transparency of its investigations, as well as aid in the timeliness of report drafting, because managers now have greater clarity as to the precise outcome of an interview, rather than summaries that can be much more readily challenged by the participants. The Office is also examining the structure of investigation reports with a view to making them easier to draft and edit. With the introduction of GoCase, the Office plans to move to a system of e-filing of complaints, whereby a complainant enters data directly into the system and receives an immediate automated confirmation of filing.

16. To the extent possible, and while still respecting the confidentiality of proceedings, the complainant and other parties will also receive system-generated notifications as the case reaches milestones. This element will, however, depend on the amendment of the administrative issuances of the Secretariat to mandate the e-filing process and accompanying notifications.

Mislabelling allegations of prohibited conduct

17. The Office of the United Nations Ombudsman and Mediation Services noted some challenges in identifying and handling, on the one hand, conflictual interactions between staff and managers arising out of performance management issues or interpersonal communication issues and, on the other hand, identifying and handling "prohibited conduct", covered by Secretary-General's bulletin ST/SGB/2008/5, entitled "Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority".

18. To assist managers in making such distinctions, which are not always clear-cut, and to enhance their understanding of their role in resolving disputes when they arise, the Office of Human Resources Management issued guidelines on handling matters relating to possible prohibited conduct in October 2014. The guidelines, which benefited from input by the Office of the United Nations Ombudsman and Mediation Services, among others, emphasize efforts at informal resolution, where appropriate, and remind managers of the availability of assistance from the Ombudsman in this regard.

19. New e-learning programmes on conflict prevention, conflict resolution and prohibited conduct are in development and are likely to be launched in the fourth quarter of 2015.

20. A training programme, "Inside the blue", was developed by the Conduct and Discipline Unit of the Department of Field Support as a strategic initiative for promoting and maintaining a positive, harmonious and productive work environment. The initiative is aimed at raising awareness of and strengthening field mission capacity to prevent and address discrimination, harassment, sexual harassment and abuse of authority, as well as other disputes and conflicts that arise in the workplace.

21. The objective is to help to differentiate between issues of legitimate exercise of authority, performance management and misconduct. The programme is interactive and consists of a brief video and practical case studies to stimulate open communication between staff and helps managers to address the issues at an early stage, before their escalation into a workplace conflict.

22. The initiative was successfully piloted in 2013 and 2014 by the United Nations Interim Force in Lebanon and in the missions in the Middle East region by the Regional Conduct and Discipline Team and has been hailed for greatly improving relations and understanding between staff and managers on issues relating to prohibited conduct and informal conflict resolution. The Department of Field Support has begun to roll out the initiative to all mission personnel in peacekeeping operations and special political missions and expects to complete the process by the end of 2015.

23. The Office of the Ombudsman continues to be actively engaged with the Department of Field Support and the Office of Human Resources Management on this matter to raise awareness and encourage greater use of informal resolution methods in dealing with these types of complaints.

Support to staff injured in service: ongoing efforts and opportunities

24. Emergency preparedness and supporting survivors and families affected by malicious acts, natural disasters, emergencies and other critical incidents remain a priority for the Organization. The Emergency Preparedness and Support Team, a dedicated capacity within the Office of Human Resources Management, has introduced a range of support measures and initiatives for staff, survivors and families. These have included a robust preparedness programme for United Nations personnel who were deployed to support the Ebola response in 2014, response to the various incidents affecting the United Nations, the scaling up and coordination of extensive counselling services, including a hotline, improved case management to expedite compensation and claim settlement, and outreach through a communications campaign targeting staff and families to prepare for emergencies, including the publication of a resource guide.

25. Over the past 18 months, an extensive exercise has begun towards revising appendix D to the Staff Rules (governing service-incurred compensation), which will be presented to the General Assembly at its seventieth session. The revision addresses concerns brought to the attention of the Secretary-General and updates and modernizes the compensation provisions.

26. As survivors are integral members of the United Nations family, a virtual community has been established as a platform for sharing ideas and best practices, interacting with the Organization and staying updated on developments that affect survivors and families. This crucial work continues in 2015 as further enhancements to support staff, survivors and families are made.

Annex III

Monthly opt-out rates and staff contributions under the voluntary supplemental funding mechanism

(United States dollars)

	April 2014		*May 2014*		*June 2014*		*July 2014*		*August 2014*	
Entity	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt out rate (percentage)*	*Contribution*
UNHCR	35.3	8 935.31	36.7	8 324.03	38.6	8 151.82	38.5	8 163.61	39.3	8 098.68
UNON	58.0	3 304.03	62.0	1 907.64	66.0	1 789.20	65.0	1 798.00	65.0	1 783.00
UNOG	61.0	6 899.00	54.0	6 662.32	59.0	6 598.64	60.0	6 437.66	60.0	6 458.44
UNHQ	30.1	27 555.91	37.3	24 747.00	40.8	21 287.01	36.3	23 223.52	35.7	24 167.34
UNOV	69.9	1 114.10	68.9	1 234.17	73.8	967.76	75.2	926.88	75.5	867.40
ICTY	41.0	1 105.60	42.0	1 051.65	42.0	1 019.23	43.0	1 023.55	43.0	988.40
MICT	40.0	185.88	38.0	183.50	37.0	183.24	36.0	192.88	36.0	185.86
ECA	22.6	1 171.15	27.0	911.58	27.9	917.44	26.9	975.05	30.5	896.49
ECLAC	71.8	520.23	76.3	393.51	78.5	365.71	79.0	370.60	80.0	348.69
ESCAP	76.0	485.72	77.0	484.73	79.0	437.34	79.0	424.40	79.0	447.47
ESCWA	34.0	626.10	50.5	461.66	54.5	418.80	57.0	395.84	57.3	393.61
UNDP	–	–	–	–	–	–	39.0	19 427.00	39.0	18 457.00
UNICEF	–	–	–	–	–	–	83.0	6 892.01	85.0	3 296.58
Total		**51 903.03**		**46 361.79**		**42 136.19**		**70 251.00**		**66 388.96**

	September 2014		*October 2014*		*November 2014*		*December 2014*		*January 2015*	
Entity	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt out rate (percentage)*	*Contribution*
UNHCR	38.6	8 108.05	39.4	8 062.65	39.0	8 229.30	38.3	8 302.00	37.6	8 450.98
UNON	66.0	1 721.00	65.0	1 694.00	66.0	1 692.00	66.0	1 692.00	68.0	1 624.00
UNOG	59.0	6 460.73	59.0	6 517.57	59.0	6 546.49	58.0	6 526.42	59.0	6 211.00
UNHQ	43.7	17 395.96	44.8	21 117.01	42.9	21 542.84	43.0	21 915.78	42.3	21 619.62
UNOV	76.8	879.09	77.7	903.57	77.5	904.56	77.7	888.45	77.4	807.61
ICTY	42.0	990.28	42.0	975.43	42.0	950.56	42.0	944.16	41.0	834.83
MICT	38.0	205.34	35.0	207.55	37.0	204.60	38.0	204.27	48.0	205.10
ECA	28.5	933.03	28.0	929.11	28.7	933.03	28.2	924.32	28.7	925.66
ECLAC	79.5	350.76	79.1	355.25	78.6	366.83	77.9	374.05	77.5	378.31
ESCAP	80.0	430.58	80.0	421.27	81.0	411.98	81.0	398.64	81.0	395.29
ESCWA	57.8	390.24	58.5	390.52	58.6	398.28	59.0	394.57	59.0	387.60
UNDP	39.0	18 341.25	40.0	18 125.00	40.0	18 090.00	40.0	18 245.00	40.0	18 359.00
UNICEF	85.0	3 817.82	85.0	3 644.20	85.0	3 568.82	86.0	3 505.71	86.0	3 555.65
Total		**60 024.13**		**63 343.13**		**63 839.29**		**64 315.37**		**63 754.65**

Entity	February 2015		March 2015		April 2015		May 2015		June 2015	
	Opt-out rate (percentage)	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt-out rate (percentage)*	*Contribution*	*Opt out rate (percentage)*	*Contribution*
UNHCR	38.5	8 325.58	37.4	8 511.06	38.4	8 486.16	38.2	8 505.97	37.5	8 619.51
UNON	68.0	1 631.00	73.0	1 593.00	73.0	1 617.00	73.0	1 992.00	56.0	2 221.40
UNOG	58.0	6 690.00	57.0	6 511.00	58.0	6 568.00	57.0	6 720.00	59.0	5 654.00
UNHQ	40.3	21 830.30	44.6	20 420.69	43.6	21 640.69	43.5	21 951.23	45.5	20 508.21
UNOV	77.6	817.68	78.2	780.65	77.6	811.58	78.0	808.31	78.4	774.17
ICTY	42.0	796.58	46.0	791.67	48.0	760.74	48.0	769.22	48.0	757.48
MICT	42.0	237.29	46.0	253.89	46.0	228.03	44.0	237.99	4 0	230.62
ECA	27.5	981.24	27.0	1 063.79	28.3	1 076.73	21.3	1 179.34	27.1	1 014.19
ECLAC	78.1	362.38	78.3	365.28	78.6	356.15	77.7	380.67	77.6	380.53
ESCAP	82.0	394.15	82.0	392.94	83.0	376.31	82.0	388.04	65.0	655.68
ESCWA	59.0	392.99	59.9	384.07	60.4	401.53	60.3	375.16	60.3	369.40
UNDP	40.0	17 812.00	40.0	17 820.00	41.0	18 074.00	41.0	17 769.00	41.0	17 760.51
UNICEF	86.0	3 387.78	86.0	3 414.00	86.0	3 374.00	87.0	3 282.52	87.0	3 233.49
Total		**63 658.97**		**62 302.13**		**63 771.00**		**64 359.45**		**62 179.19**
Total contributions as at June 2015										**908 588.28**

Abbreviations: ECA, Economic Commission for Africa; ECLAC, Economic Commission for Latin America and the Caribbean; ESCAP, Economic and Social Commission for Asia and the Pacific; ESCWA, Economic and Social Commission for Western Asia; ICTY, International Tribunal for the Former Yugoslavia; MICT, International Residual Mechanism for Criminal Tribunals; UNDP, United Nations Development Programme; UNHCR, Office of the United Nations High Commissioner for Refugees; UNHQ, United Nations Headquarters; UNICEF, United Nations Children's Fund; UNOG, United Nations Office at Geneva; UNON, United Nations Office at Nairobi; UNOV, United Nations Office at Vienna.

Annex IV

Proposal for the harmonization of the privileges and immunities of the judges

1. The statutes of the Dispute Tribunal and the Appeals Tribunal are silent on the status of the judges. Their status was approved by the General Assembly on the basis of the Secretary-General's recommendation that all Dispute Tribunal judges, including half-time judges, would have the status of officials other than Secretariat officials in order to maintain their independence vis-à-vis the Secretariat. The same paragraph dealt with Appeals Tribunal judges, but only with regard to their emoluments.[a] Those emoluments were consistent with the approach by which those selected for part-time tasks by the Assembly were usually remunerated (by way of a per diem or honorarium), and such persons were accorded the status of expert on mission. The Assembly approved those recommendations in paragraph 30 of its resolution 63/253.

2. It is recalled that in the letter of the Chair of the Sixth Committee annexed to a letter dated 29 October 2014 from the President of the General Assembly to the Chair of the Fifth Committee (A/C.5/69/10) it was stated that:

> "Delegations recalled that the granting of privileges and immunities under international law should follow the functions that the individual working on behalf of the United Nations performs. Since both types of judges undertake the same kind of work for the United Nations it was hard to understand why the immunities enjoyed by the judges of the Dispute Tribunal under section 18 of the General Convention on Privileges and Immunities of the United Nations differed so markedly from those of the judges of the Appeals Tribunal under section 22."

3. The duties of the judges adjudicating disputes between the Secretary-General and staff are substantially identical, irrespective of the time devoted to those duties. The only juridical difference in their tasks is that the decisions of the Dispute Tribunal are subject to appeal to the Appeals Tribunal, which is the appellate body.

4. Accordingly, the Secretary-General recommends that the privileges and immunities of the judges of both Tribunals be harmonized by according the privileges and immunities under section 18 of the General Convention to the Appeals Tribunal judges, instead of the current immunities under section 22, on experts on mission.

5. This does not affect the emoluments of the judges, which the General Assembly decided was a separate issue.[b] According the privileges and immunities

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[a] See A/63/314, para. 83: "It is also the intention of the Secretary-General to pay an honorarium to the judges on the Appeals Tribunal for each decision rendered, using rates equivalent to those applied to the judges of the International Labour Organization Administrative Tribunal: head judges would receive $2,400 per judgement, and participating judges would receive $600 per judgement."

[b] General Assembly resolution 67/241, para. 39, with reference to resolution 63/253, paras. 30-31. See also the annex to document A/C.5/69/10, in which the Sixth Committee recommended that a request be made to the Secretary-General to review the issue of harmonization of the immunities for both groups of judges while fully respecting the decision by the Assembly that any changes concerning the immunities of the judges should not entail a change in their current rank or conditions of service.

under section 18 of the General Convention to the Appeals Tribunal judges would, however, entail exemption from taxation on the emoluments paid to them by the United Nations in the form of honorariums.

6. The Secretary-General also recommends that the status under section 18 of the General Convention of the judges be explicitly included in the statutes of the Tribunals. The Secretary-General considers that, in case it was necessary to assert immunity for a judge, the immunity being clearly set out in a document dealing specifically with the Tribunals and their powers and responsibilities would assist.

7. In the event the General Assembly approves the recommendations above, the Assembly is also requested to approve the following changes to the relevant articles of the respective statutes:

Statute of the Dispute Tribunal
Article 4, new paragraph 12

12. The judges of the Dispute Tribunal shall be considered officials other than Secretariat officials of the United Nations under the Convention on the Privileges and Immunities of the United Nations.

Statute of the Appeals Tribunal
Article 3, new paragraph 12

12. The judges of the Appeals Tribunal shall be considered officials other than Secretariat officials of the United Nations under the Convention on the Privileges and Immunities of the United Nations.

Annex V

Refined proposal with respect to the mechanism for addressing complaints regarding alleged misconduct or incapacity of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

1. Allegations regarding misconduct or incapacity of a judge should be made, in writing, directly to the President of the relevant Tribunal. In the event that a complaint is against a serving President, it shall be addressed to the most senior judge after the President ("receiving judge").

2. The complainant shall receive a written acknowledgement of receipt of the complaint.

3. A complaint shall not be receivable unless it is received within 60 days of the date on which the alleged misconduct or incapacity took place, except as set out in paragraph 4 below.

4. By way of a transitional measure only, a complaint may be filed against a judge of either Tribunal related to alleged misconduct or incapacity during the period from the date of the General Assembly's approval of the mechanism for addressing possible misconduct of judges in resolution 67/241 of 24 December 2012 to the date of approval of this mechanism, provided such complaint is filed within 60 days of the date of such approval.

5. The types of conduct that would warrant the sanctioning of a judge would include violations of the standards established in the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal approved by the General Assembly in resolution 66/106. The types of incapacity that would warrant removal from the Dispute Tribunal or the Appeals Tribunal would involve either a physical or a mental condition that would prevent a judge from performing his or her judicial functions and that cannot be addressed by a reasonable accommodation of such condition.

6. Consistent with the principles of the independence of the administration of justice and judicial independence, judicial decisions are not matters of conduct and shall not be the subject of a complaint under this mechanism. Recusal — whether a particular judge should preside over a case or sit on a hearing — cannot be dealt with under the complaints mechanism.[a] A complaint is not an appeal.

7. As a general rule, filed complaints relating to a pending case will not be dealt with until the case is disposed of.

8. Complaints regarding the misconduct or incapacity of a judge shall contain:

(a) The name and address of the complainant;

(b) The date and location of the alleged misconduct;

(c) The name of the judge against whom the complaint is made;

[a] Recusal of judges of the Dispute Tribunal or the Appeals Tribunal is covered in articles 4.9 and 3.9 of the respective statutes of the Tribunals.

(d) A detailed description of the alleged misconduct or incapacity, including the date on which it took place;

(e) Any other relevant information, including the names and contact details of witnesses, if any, to the event complained of, and documentary evidence if available; and

(f) The signature of the complainant and date of submission.

9. A complainant may be represented by another person, at his or her own expense.

10. Upon receipt of a complaint, the President or Receiving Judge shall review it in order to determine what action, if any, is warranted.

11. If the President or receiving judge decides that no further action is appropriate, he or she will so inform the complainant in writing, within seven days, providing reasons for the decision and sending a copy to the judge against whom the complaint was made ("judge concerned").

12. If the President or receiving judge decides that further action is warranted, he or she shall provide the judge concerned with a copy of the complaint and any supporting documentation thereto and invite him or her to provide comments in writing within two weeks, unless the President or receiving judge grants an extension of time to do so.

13. If the complaint is informally resolved to the satisfaction of the parties at any time during its pendency before the President or receiving judge, the complainant will inform the President or receiving judge accordingly and the complaint will be closed.

14. If, following a preliminary review, the President or receiving judge is of the view that further inquiry is appropriate, the complainant will be so advised.

15. If the President or Receiving Judge is of the view that there are sufficient grounds to warrant a formal investigation, s/he shall establish a panel of outside experts to investigate the allegations and report its conclusions and recommendations to the President or Receiving Judge. The panel of experts shall comprise three members who shall be judges, former judges or other eminent jurists. When appointing the panel, the President or Receiving Judge shall take into account geographical distribution and gender balance.

16. The President or receiving judge shall establish the terms of reference for the panel of experts. Such terms of reference should ensure that the judge concerned is accorded all requisite due process safeguards.

17. The judge concerned may be represented by another person, at his or her own expense.

18. The panel of experts shall complete their inquiries and report in writing to the President or receiving judge within three months of the date of referral of the complaint to the panel.

19. All judges of the relevant Tribunal, with the exception of the judge concerned, shall review the report of the panel and recommend one of the following courses of action:

(a) If a majority of the judges are of the opinion that the complaint is not well founded, the complaint shall be closed and the President or receiving judge shall advise the judge concerned and complainant in writing;

(b) If a majority of the judges are of the opinion that the complaint is well founded but the removal of the judge concerned is not warranted, the President or receiving judge shall take such corrective action as he or she deems appropriate;

(c) If the judges are of the unanimous opinion that the complaint is well founded and that the matter is of sufficient severity to suggest that the removal of the judge concerned is warranted, they shall so advise the President or receiving judge of the Tribunal. The President or receiving judge shall report the matter to the General Assembly, through the Internal Justice Council, to request the removal of the judge concerned. The judge concerned will be advised of such recommendation as soon as possible by the President or receiving judge;

(d) If a majority of the judges are of the opinion that the complaint is well founded and the matter is of sufficient severity to suggest that the removal of the judge concerned is warranted, the President or receiving judge shall take such corrective action as he or she deems appropriate. The judge concerned shall be given an opportunity to make final written representations regarding the sanction proposed;

(e) When the process described in this paragraph is complete, the complainant will be advised of the disposition of his or her complaint.

20. The process of review of the complaint up to the final disposition thereof shall be confidential. If the final disposition is that set out in paragraph 11, 13 or 19 (a), the name of the judge concerned shall continue to remain confidential following completion of the process.

21. The respective Presidents of the Dispute Tribunal and the Appeals Tribunal shall submit an annual report to the General Assembly on the disposition of complaints through the Internal Justice Council.

22. This mechanism shall come into effect upon approval by the General Assembly.

Annex VI

Compensation recommended by the Management Evaluation Unit and awarded by the Tribunals in 2014 or paid in 2014

A. Compensation paid in accordance with recommendations by the Management Evaluation Unit[a]

Department of decision maker	*Compensation*	*Level of staff member*	*Amount (United States dollars)*	*Reason for compensation*
DFS-UNAMI	Fixed amount	P-4/8	5 000.00	Refusal of SPA
DFS-MONUSCO	1 month's NBS	G-4/10	2 007.92	Lack of oversight and coordination in handling an investigation
DFS-UNMIL	3 months' NBS	P-4/7	22 165.50	Breaches in selection process
DFS-UNOCI	9 months' NBS	D-1/3	75 291.00	Non-renewal of FTA
DFS-MINUSTAH	6 months' NBS	FS-5/8	30 788.50	Failure of Administration to apply classification procedures set out in the relevant AI
DFS-MINURSO	1/14 of the difference between GL-4 and GL-5 over 2 years	GL-4	224.70	Irregularities in selection process
DFS-UNSMIL	6 months' NBS	D-1/2	48 531.00	Irregularities in selection process
ICTR	Fixed amount	P-4/14	1 000.00	Undue delay
DFS-EO	6 months' NBS	G-4/6	25 148.50	Non-renewal of FTA
DM	Fixed amount	P-3/8	55 000.00	Adverse reliance on representations by the Administration
DFS-UNIFIL	Fixed amount	FS-6/12	154 330.00	Lack of effective implementation of reclassification
Total			**419 487.12**	

Abbreviations: AI, administrative instruction; DFS, Department of Field Support; DM, Department of Management; EO, Executive Office; ICTR, International Criminal Tribunal for Rwanda; MINURSO, United Nations Mission for the Referendum in Western Sahara; MINUSTAH, United Nations Stabilization Mission in Haiti; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; NBS, net base salary; SPA, special post allowance; FTA, fixed-term appointment; UNAMI, United Nations Assistance Mission for Iraq; UNIFIL, United Nations Interim Force in Lebanon; UNMIL, United Nations Mission in Liberia; UNOCI, United Nations Operation in Côte d'Ivoire; UNSMIL, United Nations Support Mission in Libya.

[a] Reflects compensation paid in cases submitted in 2014, as well as compensation paid in 2014 for cases carried over from 2012 and 2013.

B. Monetary compensation awarded by the Tribunals

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2011/063 and UNDT/2013/085	Nairobi	UNHCR	(i) Failure to provide protection by Ethics Office; (ii) $8,000 for related stress and anxiety	2014-UNAT-444	Vacated	–	–	N/A
UNDT/2012/092 and UNDT/2013/053	New York	UNMIK	(i) Failure of Ethics Office to address the applicant's protection request; (ii) $50,000 for non-pecuniary harm; (iii) $15,000 in costs against respondent for manifest abuse of proceedings	2014-UNAT-457	Vacated: (i) Vacated: (ii) Affirmed: (iii)	–	15 073.46	22 Oct 2014
UNDT/2012/175	Geneva	UNOG	None, application rejected in full	2014-UNAT-396	Awarded: payment of 50 work days in commutation of accrued annual leave	–	41 860.72	17 June 2014
UNDT/2012/200	Nairobi	UNON	(i) $50,000 in moral damages; (ii) Difference in salary between P-4 and P-5 from 21 October 2008 to January 2012	2014-UNAT-397	Affirmed (ii)	–	57 124.34	15 Jan 2015
UNDT/2012/208	New York	DM	None, (i) Applicant ordered reinstated in service; (ii) Adjustments ordered to applicant's entitlements and benefits	2014-UNAT-399	Awarded: $5,000 moral damages	–	5 000.00	23 June 2014
UNDT/2013/005	New York	DGACM	(i) Rescission of the contested decision; (ii) $10,000 (emotional distress)	2014-UNAT-401	Affirmed: (i) Vacated: (ii)	–	–	N/A

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded/costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed/vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/006	New York	UNOCI	(i) Rescission of the contested decision; (ii) Any recovered lump sum for home leave to be returned to applicant with adjustments made to his other entitlements and benefits	2014-UNAT-402	Affirmed: (i) Vacated: (ii)	–	–	N/A
UNDT/2013/009	Nairobi	MONUC	None, application rejected	2014-UNAT-403	Awarded: 1 year's net base salary in lieu of reinstatement	–	51 101.00	11 July 2014
UNDT/2013/012	Nairobi	UNMIS	(i) Rescission of separation from service with compensation in lieu of notice (1 month's net base salary); (ii) Applicant considered employed with UNMIS until the date of closure of the mission; (iii) Payment of salary/ entitlements from 1 July 2011 to date of mission closure, 9 July 2011	2014-UNAT-407	Affirmed: (ii) Vacated: (i), (iii)	–	–	N/A
UNDT/2013/023	Nairobi	UN-Habitat	(i) Respondent created a legitimate expectation of temporary contract renewal; (ii) 2 months' net base salary as compensation	2014-UNAT-411	Vacated	–	–	N/A

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/032	Nairobi	OCHA	(i) Unlawful non-renewal of contract; (ii) Rescission of performance evaluation; (iii) 2 years' net base salary as compensation; (iv) $50,000 for moral damages; (v) $10,000 as costs ordered against respondent for abuse of proceedings	2014-UNAT-400	Affirmed: (i), (ii) Partly affirmed: (iv) moral damages decreased from $50,000 to $10,000 Vacated: (iii), (v)	–	10 000.00	10 July 2014
UNDT/2013/035	Nairobi	UNON	(i) Respondent unlawfully withdrew applicant's licence to carry a firearm and access to his Lotus Notes e-mail account; (ii) Applicant's right to full and fair consideration was violated; (iii) Applicant was the victim of harassment by the Administration (iv) 6 months' net base salary for failure to give full and fair consideration, harassment and abuse of authority	2014-UNAT-417	Vacated	–	–	N/A
UNDT/2013/038	New York	DGACM	(i) Rescission of denial of permanent appointment; (ii) Any consequential loss in salary or other benefits to be made good by respondent; (iii) $10,000 (non-pecuniary harm/distress suffered)	2014-UNAT-415	Affirmed: (i) Vacated: (ii), (iii)	–	–	N/A
UNDT/2013/040	New York	DM	(i) Right to full and fair consideration was breached; (ii) $1,000 for harm caused	2014-UNAT-416	Vacated	–	–	N/A

United Nations Dispute Tribunal judgement No	*Registry*	*Entity*	*Compensation awarded costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/031 UNDT/2013/042	New York	UNODC	(i) Unlawful denial of conversion to permanent appointment; (ii) $3,000 for emotional harm	2014-UNAT-418	Affirmed	–	3 010.15	19 June 2014
UNDT/2013/041	New York	DM	(i) Right to full and fair consideration was breached (ii) $1,000 for harm caused	2014-UNAT-416	Vacated	–	–	N/A
UNDT/2013/044	Geneva	OAJ	(i) Removal of the evaluation reports from applicant's file; (ii) $5,000 for moral damage	2014-UNAT-420	Affirmed: (i) Vacated: (ii)	–	–	N/A
UNDT/2013/047	Nairobi	UNMISS	(i) Eviction from United Nations accommodation lacked due process; (ii) Compensation of 6 months' net base salary for violation of due process and human rights of applicant	2014-UNAT-422	Vacated, remanded to different UNDT judge	–	–	N/A
UNDT/2013/051	New York	UNICEF	(i) Rescission of applicant's performance evaluation report for 2010; (ii) Removal of applicant's performance evaluation report for 2010 from her personnel file; (iii) $20,000 for unlawful termination, loss of chance of further employment and emotional distress	2014-UNAT-421 2014-UNAT-493	Affirmed: (i), (ii) Partly affirmed: (iii) $20,000 decreased to $10,000	–	13 714.37	20 May 2014 2 Oct 2014 19 Jan 2015
UNDT/2013/055	Geneva	ITC	(i) Compensation in the amount of 12 months' gross salary; (ii) CHF 8,000 for moral damage	2014-UNAT-429	Affirmed	CHF 100 552.39	–	15 Sept 2014

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded/costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded/affirmed/vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/057	Geneva	ICTY	Reimbursement to applicant of incorrectly calculated staff assessment deductions	2014-UNAT-424	Affirmed	–	38 514.00	30 June 2014
UNDT/2013/058	New York	DSS	(i) Applicant's right to be given full and fair consideration for conversion to a permanent appointment violated; (ii) $7,000 for non-pecuniary harm, distress	2014-UNAT-428	Vacated	–	–	N/A
UNDT/2013/061 and UNDT/2013/101	Nairobi	ICTR	(i) Violation of right to full and fair consideration; (ii) Rescission of applicant's performance evaluation and institution of new evaluation process; (iii) Compensation in the amount of 6 months' net base salary for lack of consideration (iv) 6 months' net base salary for the Organization not following its rules; (v) 4 months' net base salary for moral damage	2014-UNAT-460	Vacated	–	–	N/A
UNDT/2013/062	Nairobi	UNMISS	(i) Unlawful separation from service; reinstatement or 2 years' net base salary; (ii) 1 year's net base salary for the Administration violating its own substantive rules; (iii) 4 months' net base salary for procedural irregularity and for non-pecuniary loss	2014-UNAT-433	Affirmed: (i) Partly affirmed: (ii), (iii) decreased to 6 months' net base salary	–	213 215.62	23 Oct 2014

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/067	Nairobi	MINURSO	(i) Failure to consider properly a request for exception from educational qualifications for a selection; unlawful non-renewal; (ii) 6 months' net base salary as compensation	2014-UNAT-438	Vacated	–	–	N/A
UNDT/2013/072	Geneva	UNFCCC	(i) Rescission of decision to find applicant ineligible for generic P-5 position; (ii) Compensation for material damage in the amount of $3,000	2014-UNAT-439	Affirmed: (i) Partly affirmed: (ii) 2 months' net base salary	–	12 525.18	21 Oct 2014
UNDT/2013/084	Nairobi	UNHCR	(i) Unlawful non-renewal of contract; (ii) Violation of performance management obligations; (iii) Rescission of the non-renewal or compensation in the amount of 1 year's salary and benefits; (iv) $50,000 compensation for moral damage; £6,074.50 legal costs for manifest abuse of proceedings by respondent	2014-UNAT-443	Vacated, remanded to different UNDT judge	–	–	N/A
UNDT/2013/093	Geneva	DGACM	(i) Unlawful exclusion from YPP participation; (ii) $8,000 for pecuniary loss; (iii) $2,500 for moral damages	2014-UNAT-448	Affirmed	–	10 578.39	6 Nov 2014

United Nations Dispute Tribunal judgement No	*Registry*	*Entity*	*Compensation awarded costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/094	Nairobi	UNMISS	(i) Unlawful separation; (ii) Reinstatement or 2 years' net base salary; (iii) 1 year's net base salary as compensation for substantive irregularity; (iv) 4 months' net base salary for procedural irregularity	2014-UNAT-450	Vacated	–	–	N/A
UNDT/2013/111	Nairobi	UNMISS	(i) Unlawful placement on special leave with pay; (ii) Lack of protection from dissemination of confidential information; (iii) 2 years' net base salary as compensation	2014-UNAT-467	Affirmed	–	144 343.05	19 Feb 2015
UNDT/2013/112	Nairobi	UNMISS	(i) Rescission of separation from service, or 2 years' net base salary in lieu; (ii) 1 year's net base salary as compensation for substantive irregularity; (iii) 4 months' net base salary for procedural irregularity	2014-UNAT-469	Partly affirmed: (i), compensation decreased to 1 year 6 months' net base salary; Partly affirmed: (ii), (iii) Compensation decreased to 6 months' net base salary	–	210 879.51	24 Feb 2015
UNDT/2013/113	Geneva	UNOG	(i) Lack of full and fair consideration, rescission of two non-selection decisions or $12,000 in lieu of rescission and $4,000 for moral damages; (ii) If decisions are rescinded $4,000 for moral damages	2014-UNAT-468	Vacated	–	–	N/A

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/127	Geneva	UNODC	(i) Failure of the Ethics Office to address the applicant's protection request; (ii) $3,000 for moral damage	2014-UNAT-475	Vacated	–	–	N/A
UNDT/2013/133	Nairobi	UNICEF	(i) Flawed rebuttal procedures, 2008 and 2009 performance evaluation reports to be deleted from record; (ii) Compensation in the amount of 6 months' net base salary; (iii) $10,000 for moral damages	2014-UNAT-483	Vacated	–	–	N/A
UNDT/2013/135	Geneva	UNODC	(i) Breach of procedural rights in performance evaluation/rebuttal process including delay; (ii) $5,000 for moral damages	2014-UNAT-479	Affirmed: (i), but not sufficient to warrant damages (ii) Vacated	–	–	N/A
UNDT/2013/149	Nairobi	UNICEF	(i) Application deemed abuse of court process; (ii) $300 costs against applicant	2014-UNAT-476	Vacated	–	–	N/A
UNDT/2013/150	Nairobi	UNICEF	(i) Poor performance management; (ii) 3 months' net base salary for non-pecuniary loss	2015-UNAT-500	Vacated	–	–	N/A
UNDT/2013/151	Nairobi	UNEP	(i) Applicant's retirement benefits calculated as if he had retired at the age of 62; (ii) 1 year's net base salary compensation	2015-UNAT-503	Vacated	–	–	N/A

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded/costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed/vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2013/161	Nairobi	ECA	(i) Lack of full and fair consideration; (ii) 1 month's net base salary for non-pecuniary loss	2015-UNAT-508	Vacated	–	–	N/A
UNDT/2014/004	Geneva	OAJ	(i) Refusal to open fact-finding investigation into all of applicant's allegations and decision to take no further action unlawful; (ii) CHF 8,000 for moral damages	2015-UNAT-518	Partly affirmed: (i), new fact-finding panel to be established Vacated: (ii)	–	–	N/A
UNDT/2014/021	New York	WFP	Disciplinary sanction of separation from service substituted with separation with termination indemnity	2015-UNAT-523	Vacated	–	–	N/A
UNDT/2014/025	New York	WFP	Rescission of the contested decision ($5,000 as alternative compensation)	2015-UNAT-525	Affirmed	–	5 000.00	10 Jun 2015
UNDT/2014/034	Nairobi	UNICEF	1 year's net base salary	Under appeal	Under appeal	–	–	N/A
UNDT/2014/036	Geneva	UNOG	(i) Decision rescinded ($3,000 as alternative compensation; (ii) $4,000 for moral damages	Under appeal	Under appeal	–	–	N/A
UNDT/2014/036	Geneva	UNOG	(i) Decision rescinded; (ii) $4,000 for moral damages	Under appeal	Under appeal	–	–	N/A
UNDT/2014/036	Geneva	UNOG	(i) Decision rescinded ($4,000 as alternative compensation); (ii) $4,000 for moral damages	Under appeal	Under appeal	–	–	N/A
UNDT/2014/037	New York	UNODC	Partial rescission of the decision; request for reimbursement remanded for further consideration	2015-UNAT-615	Affirmed	–	–	N/A

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded/costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed/vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2014/043	Geneva	UNOPS	(i) Transmittal of separation notification to UNJSPF within 60 days; (ii) $3,000 for material damages	Under appeal	Under appeal	–	–	N/A
UNDT/2014/050	New York	DM	Retroactive adjustments to salary and applicable benefits and entitlements	N/A	N/A	–	38 022.00	2 Dec 2014
UNDT/2014/051	Nairobi	UNON	6 months' net base salary and $10,000 for moral damages	Under appeal	Under appeal	–	–	N/A
UNDT/2014/052	Nairobi	UNMISS	Applicant to be reinstated with demotion (2 years' net base salary at the FS-4 level as alternative compensation)	Under appeal	Under appeal	–	–	N/A
UNDT/2014/059	New York	DM	(i) Rescission of contested decision, $5,000 as alternative compensation; (ii) Compensation for loss of earnings, net salary and entitlements from 2 February 2011 to 2 January 2012, minus fine of 1 month's net base salary and termination indemnity already paid to the applicant	Under appeal	Under appeal	–	–	N/A
UNDT/2014/066	Nairobi	UNICEF	3 month's net base salary	Under appeal	Under appeal	–	–	N/A
UNDT/2014/068	Geneva	UNOG	(i) Decision rescinded ($2,000 as alternative compensation); (ii) $4,000 for moral damages	N/A	N/A	–	6 009.62	2 Sept 2014
UNDT/2014/069	Geneva	UNOG	Decision rescinded ($2,000 as alternative compensation)	N/A	N/A	–	2 003.21	2 Sept 2014

United Nations Dispute Tribunal judgement No	*Registry*	*Entity*	*Compensation awarded/costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed/vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2014/082	Nairobi	OCHA	(i) Difference between salary, allowances and entitlements (P-5 to D-1); (ii) $10,000 for moral damages	N/A	N/A	–	10 000.00	12 Sept 2014
UNDT/2014/089	New York	DSS	$6,000 for pecuniary loss	Under appeal	Under appeal	–	–	N/A
UNDT/2014/092	Nairobi	UNON	(i) $3,000 compensation for stress and anxiety caused; (ii) $3,000 for procedural failure by UNON	Under appeal	Under appeal	–	–	N/A
UNDT/2014/093	Nairobi	UNMIS	6 months' net base salary at the FS-5 level	Under appeal	Under appeal	–	–	N/A
UNDT/2014/094	Nairobi	UNAMID	Benefits and entitlements that applicant would have accrued during a year	N/A	N/A	–	–	N/A
UNDT/2014/105	New York	DGACM	$1,000 for anxiety and stress suffered	Under appeal	Under appeal	–	–	N/A
UNDT/2014/107	New York	DM	Cost ($1,500) ordered against applicant	Under appeal	Under appeal	–	–	N/A
UNDT/2014/109	New York	DM	Cost ($2,000) ordered against applicant	Under appeal	Under appeal	–	–	N/A
UNDT/2014/110	New York	UNFPA	Rescission of contested decision ($5,000 plus loss of earnings and minus paid termination indemnity as alternative compensation)	Under appeal	Under appeal	–	–	N/A
UNDT/2014/112	New York	DM	Applicant to be enrolled in ASHI retroactively from 1 December 2013	Under appeal	Under appeal	–	–	N/A
UNDT/2014/114	New York	DM	€3,000 to each of the 9 applicants for non-pecuniary damages	N/A	N/A	–	29 890.72	22 Dec 2014
UNDT/2014/117	New York	DESA	$2,300 for delay	Under appeal	Under appeal	–	–	N/A

United Nations Dispute Tribunal judgement No	*Registry*	*Entity*	*Compensation awarded/costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed/vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2014/120	Geneva	ICTR	(i) Decision rescinded; (ii) $15,000 for delay and breach of ST/SGB/2008/5	Under appeal	Under appeal	–	–	N/A
UNDT/2014/122	Nairobi	MONUC	(i) 1 year's net base salary for monetary loss; (ii) $5,000 for moral damages	N/A	N/A	–	19 812.00	31 Mar 2015
UNDT/2014/128	Nairobi	UNOPS	(i) 6 months' net base salary for failure to extend contract; (ii) 3 months' net base salary for procedural irregularities; (iii) 3 months' net base salary for violation of due process rights during rebuttal	Under appeal	Under appeal	–	–	N/A
UNDT/2014/130	Geneva	MONUC	(i) $150,104 for material damages; (ii) 3 months' net base salary for moral damages	Under appeal	Under appeal	–	–	N/A
UNDT/2014/131	New York	DM	Adjustment to salary and applicable benefits and entitlements	N/A	N/A	–	67 263.04	30 Apr 2015
UNDT/2014/132	Geneva	UNMIL	(i) Decision rescinded (1 month's net base salary as alternative compensation); (ii) 1 month's net base salary for moral damages	Under appeal	Under appeal	–	–	N/A
UNDT/2014/132	Geneva	UNMIL	(i) Decision rescinded (1 month's net base salary as alternative compensation); (ii) 1 month's net base salary for moral damages	Under appeal	Under appeal	–	–	N/A

United Nations Dispute Tribunal judgement No.	*Registry*	*Entity*	*Compensation awarded/costs ordered by the United Nations Dispute Tribunal*	*United Nations Appeals Tribunal judgement*	*Compensation awarded affirmed/vacated by the United Nations Appeals Tribunal*	*Net amount paid (local currency)*	*Net amount paid (United States dollars)*	*Date*
UNDT/2014/132	Geneva	UNMIL	(i) Decision rescinded (2 months' net base salary as alternative compensation);	Under appeal	Under appeal	–	–	N/A
			(ii) 1 month's net base salary for moral damages					
UNDT/2014/132	Geneva	UNMIL	(i) Decision rescinded (2 months' net base salary as alternative compensation);	Under appeal	Under appeal	–	–	N/A
			(ii) 1 month's net base salary for moral damages					
UNDT/2014/132	Geneva	UNMIL	(i) Decision rescinded (2 months' net base salary as alternative compensation);	Under appeal	Under appeal	–	–	N/A
			(ii) 1 month's net base salary for moral damages					
UNDT/2014/137	Geneva	UNAMA	(i) Decision rescinded (3 months' full emoluments as alternative compensation);	N/A	N/A	–	44 341.03	17 Mar 2015
			(ii) $3,000 for moral damages					
UNDT/2014/139	Geneva	UNFPA	$1,000 for moral damages	N/A	N/A	–	1 000.00	6 Feb 2015

Abbreviations: ASHI, after-service health insurance; DESA, Department of Economic and Social Affairs; DGACM, Department for General Assembly and Conference Management; DM, Department of Management; DSS, Department of Safety and Security; ECA, Economic Commission for Africa; ICTR, International Criminal Tribunal for Rwanda; ICTY, International Tribunal for the Former Yugoslavia; ITC, International Trade Centre; MINURSO, United Nations Mission for the Referendum in Western Sahara; MONUC, United Nations Organization Mission in the Democratic Republic of the Congo; N/A, not applicable; OAJ, Office of Administration of Justice; OCHA, Office for the Coordination of Humanitarian Affairs; UNAMA, United Nations Assistance Mission in Afghanistan; UNAMID, African Union-United Nations Hybrid Operation in Darfur; UNEP, United Nations Environment Programme; UNFCCC, United Nations Framework Convention on Climate Change; UNFPA, United Nations Population Fund; UN-Habitat, United Nations Human Settlements Programme; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNMIK, United Nations Interim Administration Mission in Kosovo; UNMIL, United Nations Mission in Liberia; UNMIS, United Nations Mission in the Sudan; UNMISS, United Nations Mission in South Sudan; UNOCI, United Nations Operation in Côte d'Ivoire; UNODC, United Nations Office on Drugs and Crime; UNOG, United Nations Office at Geneva; UNON, United Nations Office at Nairobi; UNOPS, United Nations Office for Project Services; WFP, World Food Programme.